the weekly Standard

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NO ENERGY

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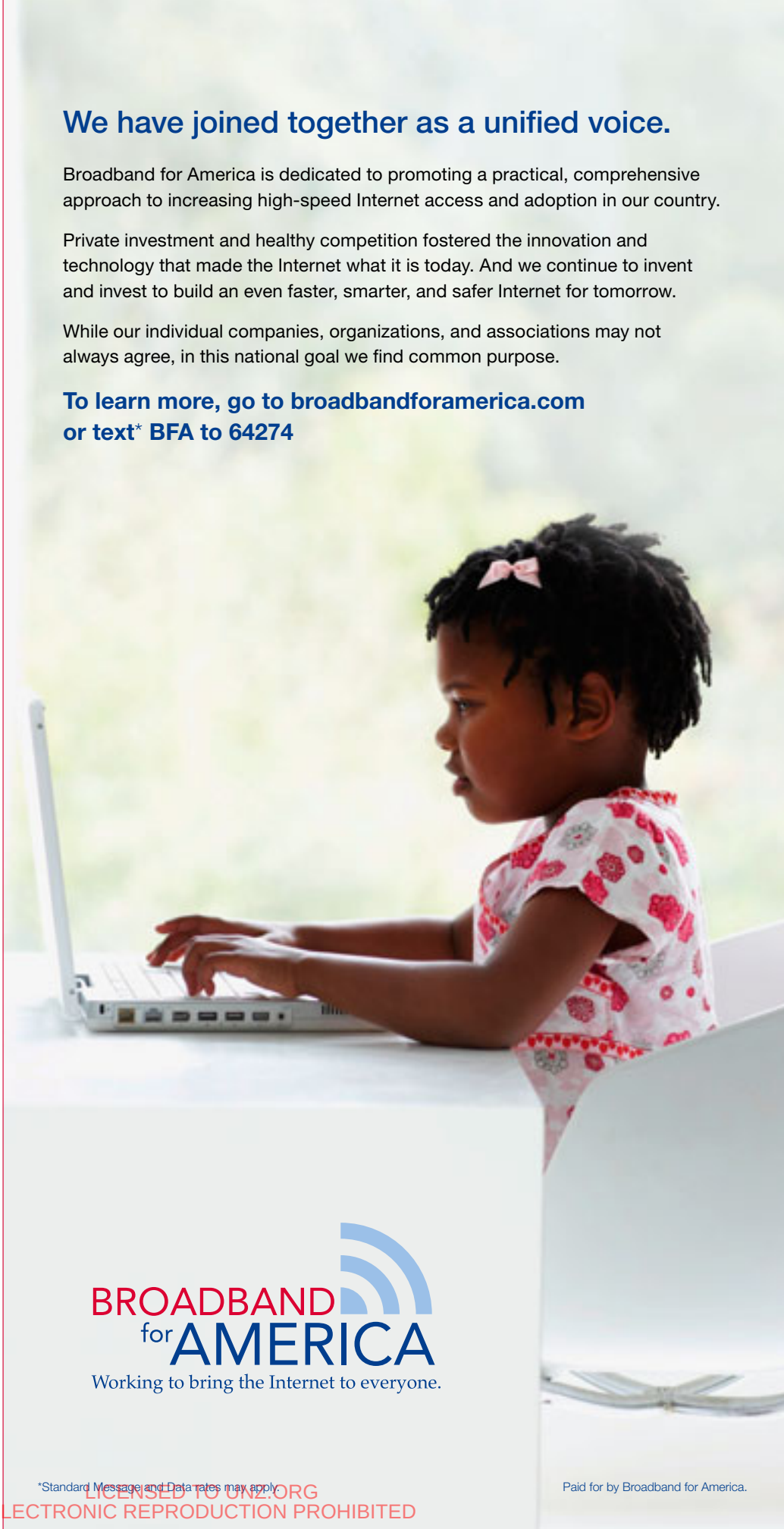

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ENERGY SECURITY? THE ANSWER JUST MIGHT BE CLOSER THAN YOU THINK.

Canada holds the world's second-largest oil reserves

Americans know Canada as a good neighbor. What many don't know is that the United States gets more oil from Canada than any other country. Now Canada is poised to increase greatly its oil production, helping secure North American energy supplies for decades to come. A new study* indicates that the U.S. could potentially double the amount of oil currently imported from Canada by 2035.

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The U.S. Department of Energy reports that oil and natural gas will continue to supply more than half of America's energy needs well into the future. Canada offers a close and reliable supply of secure energy that can be produced, transported by pipeline, and refined, all the while meeting strict environmental standards. Congress should avoid policies that, by blocking use of Canadian oil, would jeopardize the creation of new jobs and the oil and natural gas industry's ability to continue meeting North America's growing energy needs.

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**Growth in the Canadian Oil Sands: Finding a New Balance*, IHS Cambridge Energy Research Associates, May 2009

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The Weekly Standard (ISSN 1083-3013), a division of Clarity Media Group, is published weekly (except the first week in January, third week in April, second week in July, and fourth week in August) at 1150 17th St., NW, Suite 505, Washington D.C. 20036. Periodicals postage paid at Washington, DC, and additional mailing offices. Postmaster: Send address changes to The Weekly Standard, P.O. Box 50108, Boulder, CO 80322-0108. For subscription customer service in the United States, call 1-800-274-7293. For new subscription orders, please call 1-800-283-2014. Subscribers: Please send new subscription orders and changes of address to The Weekly Standard, P.O. Box 50108, Boulder, CO 80322-0108. Please include your latest magazine mailing label. Allow 3 to 5 weeks for arrival of first copy and address changes. Canadian/foreign orders require additional postage and must be paid in full prior to commencement of service. Canadian/foreign subscribers may call 1-850-682-7644 for subscription inquiries. American Express, Visa/MasterCard payments accepted. Cover price, $4.95. Back issues, $4.95 (includes postage and handling). Send letters to the editor to The Weekly Standard, 1150 17th Street, N.W., Suite 505, Washington, DC 20036-4617. For a copy of The Weekly Standard Privacy Policy, visit www.weeklystandard.com or write to Customer Service, The Weekly Standard, 1150 17th St., NW, Suite 505, Washington, D.C. 20036. Copyright 2009, Clarity Media Group. All rights reserved. No material in The Weekly Standard may be reprinted without permission of the copyright owner. The Weekly Standard is a registered trademark of Clarity Media Group.

BPA INTERNATIONAL

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A Rush to Slander

As word spread last Monday that Rush Limbaugh was part of a group bidding on the St. Louis Rams, CNN anchor Rick Sanchez reported that the king of talk radio had once said that slavery "had its merits. For one thing, the streets were safer after dark." At the same time, another racist Limbaugh soundbite was zipping around the Internet. Limbaugh, it was claimed, once said: "You know who deserves a posthumous Medal of Honor? James Earl Ray [the assassin of Martin Luther King]. We miss you, James. Godspeed." MSNBC's Rachel Maddow had cited that one on air in June.

Just one problem: These quotations were utter fabrications. The Media Research Center traced their origin to "pranksters who tampered with Limbaugh's Wikipedia page several years ago. . . . Recently, the [slavery] quote was cited by *St. Louis Post-Dispatch* sportswriter Bryan Burwell in an October 7 column about Limbaugh's joint effort to purchase the St. Louis Rams. Other sportswriters soon cited the quote as well, including *Detroit Free Press* columnist Drew Sharp writing in the October 12 *USA Today*."

Limbaugh promptly informed the media that the quotes were false, but news organizations were reluctant to retract and apologize. "We want to be fair to Rush," Sanchez said on Tuesday, before quoting Limbaugh's denial. "So, Rush Limbaugh is denying that that quote has come from him," Sanchez said, as if this were some he said/she said dispute.

On Tuesday, the NFL commissioner said of Limbaugh's bid, "we're all held to a high standard here, and I think divisive comments are not what the NFL is all about." On Wednesday, Limbaugh was dropped from the group bidding on the Rams.

After the damage had already been done—and after the left-wing website the *Huffington Post* had pulled the quotations Thursday when it was unable to verify their accuracy—CNN's Sanchez, MSNBC, and the popular left-wing blog Think Progress got around to issuing retractions on Friday.

The phony Wikipedia quotes also appeared in a 2006 book, *101 People Who Are Really Screwing America*, by Jack Huberman. As we went to press Friday night, Nation Books, the publisher of the book in which the quotes may have first appeared in print, had not yet responded to multiple phone messages inquiring about the false quotes. The Scrapbook assumes Limbaugh's lawyers will have better luck getting in touch. ♦

'Fool Moon Rising'

Thomas Fluharty's peerless illustrations and paintings have been gracing this magazine's covers and pages for a decade now. His first was the September 27, 1999, Pat Buchanan cover shown here; the most recent was last week's faux-Rembrandt, "Obama Contemplating a Bust of Carter."

Fluharty's career has taken many twists and turns over the years. Before he became one of our regular contributors, he was a self-described member of "the usual gang of idiots" at *Mad* magazine. He has also done covers for *Sports Illustrated for Kids*, *Time*, *Der Spiegel*, and *U.S. News & World Report*.

But it's his latest venture we want to commend to your attention. With his wife Kristi, Thomas has written a children's book, *Fool Moon Rising*, filled with the ravishing illustrations that are his trademark. The Scrapbook was utterly charmed by the sample pages that can be viewed at the book's website, foolmoonrising.com (where there is also a link for orders). But we don't want to scant the story, which comes with a moral: It's "about the moon stealing the sun's glory; children learn about the importance of humility and the dangers of pride."

We can't vouch for the reaction of your children and grandchildren, but as Thomas and Kristi are raising five daughters, we're guessing the book has been thoroughly focus-grouped by young readers, as the marketers say nowadays. ♦

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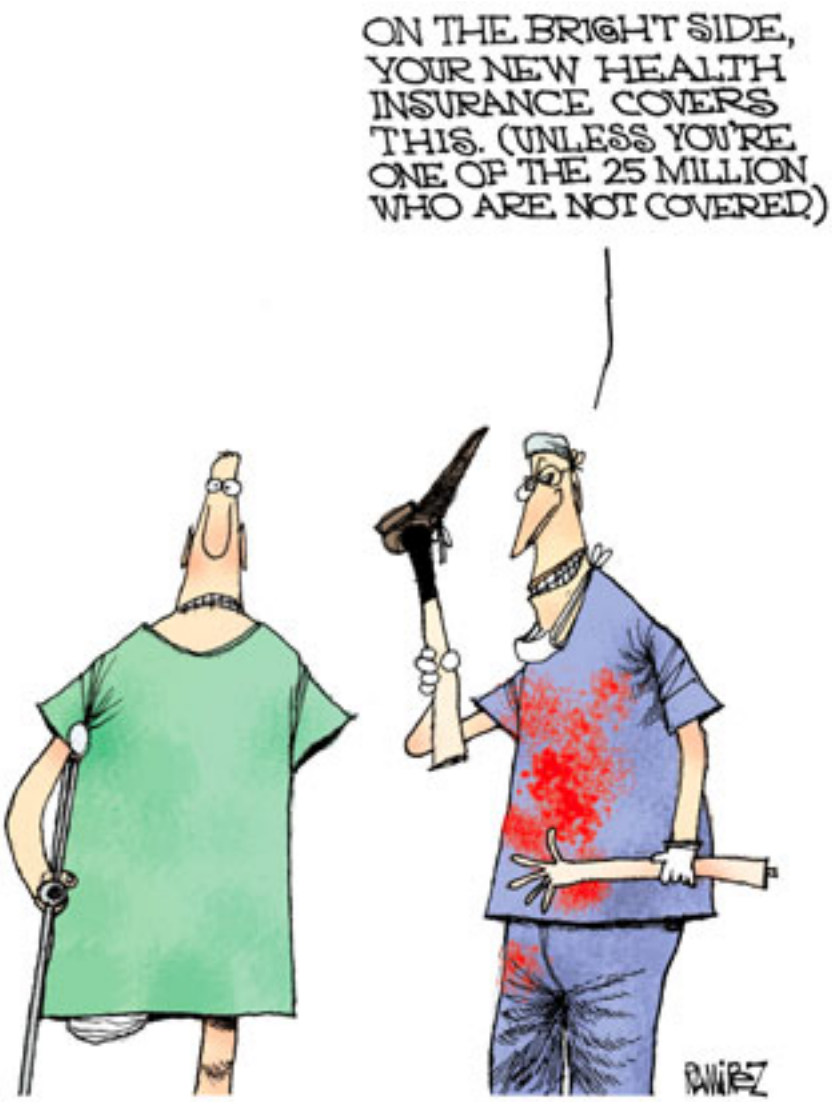

Diet COLA

Remember when President Obama pledged to begin a "new era of fiscal responsibility"? Last week, he made a decision exposing that phrase as a joke. A bad one.

Because of the recession, the Consumer Price Index has declined over the last year. The trustees who run Social Security therefore determined that a cost-of-living-adjustment (COLA) wasn't necessary in 2010. Makes sense. After all, deflation means you can buy more with less. And at a time of record public debt, such economizing ought to be welcome news for a president who says he's fiscally responsible.

But Obama wants to spend the money anyway. Last week, he proposed sending seniors checks for $250, at a total cost of at least $13 billion, because of the recession. By this logic, of course, the president ought to support sending $250 to every American. Except Obama's decision isn't logical. It's political and cynical. He is caving to the senior lobby, maybe to thank AARP for supporting his health care reform, maybe to buy the affections of the seniors opposing him. Whatever the reason, he's spending more money the government doesn't have on a well-organized special-interest group, and giving "responsibility" a bad name. ♦

Fee Injury

Democrats will bore you silly with talk about "bending the cost curve" of health care spending. The way to lower costs, they believe, is through government controls, back-room deals with pharmaceutical companies, taxes on medical equipment and personal incomes, and cuts to Medicare. The Congressional Budget Office says that Max Baucus's health bill, which promises all of the above, will be "deficit neutral." But just how serious are the Democrats about reducing entitlement spending?

Not very. Consider the Senate Democrats. While the Baucus bill promises to lower costs, another bill, sponsored by Debbie Stabenow and scheduled for a vote this week, does exactly the opposite. Beginning in January, Medicare is set to reduce payments to doctors by 21 percent, with further reductions in the future. The Stabenow bill, which the White House and congressional leadership support, would restore the cuts and add more than $200 billion to the deficit over the next decade. The Democrats are playing three-card monte with health spending, taking money out of the system in one bill and adding it back in another. It's yet another reason to oppose Obamacare—based on Stabenow's example, does anybody seriously think Democrats in Congress will ever accede to entitlement cuts? And it's yet another example of the Democrats' condescending attitude toward the public they claim to represent. With a con job like this, they must take us all for suckers. ♦

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Casual

Shingler on the Roof

'As is" was the description attached to the garage when my wife Cynthia and I bought this fixer-upper a couple of years ago. The house itself was habitable, more or less, but the garage was four slanting walls and a roof with holes, some big enough to pass a basketball through. Our insurance company sent a letter, mostly boilerplate, saying we needed to address the garage's peeling paint or we'd lose coverage for the house.

Cynthia called to explain that it was going to take a while since the garage's deficiencies went well beyond its damaged surface. Be that as it may, said the woman on the phone, you should still throw on a coat of paint.

In the spring I finally got around to working on the garage. Indeed, the paint was peeling, almost elegantly in spots, producing miniature scrolls. Elsewhere it was pockmarked, flecked, and bumpy, like the acne-ravaged cheek of one of those teenagers kids used to call pizza-face.

But the overall appearance of the building reminded me of those Southern, mossbacked, gothic ruins that are always being photographed. The only thing missing was a half-legible tombstone: Here stand the remains of a once-serviceable garage, hounded by nature, killed by neglect.

The situation was, in fact, urgent. With every "partly cloudy" forecast, I worried for my poor bicycle parked inside. (Its name is Murray, after Murray Kempton, the late bicycle-riding columnist. I plan to name every bicycle I own after a bicycle-riding writer or editor. My next bicycle may also go by the name Murray, after James Murray, the founding editor of the Oxford English Dictionary.)

Anyway, I started by hacking away at all the trees—or were they overgrown weeds?—that had been crowding and groping the garage, for years obviously, getting under its skin, pulling at its siding and prying off its shingles.

Then I learned the art of roofing, if anything so brutish can be called an art. As I understand it now, roofing comes down to one simple imperative: Don't fall off. The work is slow, dirty, and on a hot day, truly savage in that you lose all capacity for idle reflection because any bandwidth your brain can spare is devoted to not falling.

DAVID CLARK

The dirtiest part is removing the old shingling, in my case three rotting layers of it. After just a few minutes, I looked like a chimney sweep. From then on, I knew always to wear long sleeves. After replacing some of the underlying boards and putting on a layer of weatherproofing, I was able to start reshingling. Getting to this point, though, took three grueling weekends.

To make the work go faster, a friend lent me a pneumatic nail gun. But if there is one thing worse than hanging onto a roof in the hot afternoon sun, as you fret constantly about falling to your death, it is doing this while holding what is literally a gun. The gun can blow nasty holes in wood, shingles, or human flesh, and it is attached by a long tube to a compressor that, without notice, clicks in and out of action with a loud, bitter groan that can be heard blocks away. So my quietly disturbing experience of working on the roof was made terrifying by the inhuman utterances of the compressor and the sound of gunshot nails. After a couple of hours, I went back to using an old-fashioned hammer.

My roofing artistry was hobbled in one major respect. A massive crack in the cement foundation of the garage sent the otherwise stable walls askew, which sent the roof askew, which made it hard to get the shingles to follow nice straight lines. Passing other people's houses now, I often study the grid-like geometry of the shingles on their rooftops. When the angles are a perfect 90 degrees and the spacing is truly regular, I naturally assume they are the work of a machine.

A couple of Sundays after I started, I was putting down the last rows of shingling. With a foul working-class expression falling from my lips, I discovered that I was out of gray shingles and down to a stack of brown ones I had bought accidentally. Running to Home Depot at this point would take another couple of hours, keeping me from finishing up until the next weekend.

So, I decided to create a pattern using the last of the gray shingles mixed in periodically with the brown. *Architectural Digest* has not come by yet to photograph this marvel, but Cynthia says it's "not so bad," and I kinda like it. And I couldn't help swelling with pride when I opened the door of the newly roofed garage during the first storm to find that no rain was falling inside. This was my reward for so many hours of ridiculous, dangerous work. And now I was ready to start painting.

David Skinner

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The U.S. Department of Energy is seeking to unilaterally abandon $10 billion of progress made over the past 27 years and kill the proposed national storage repository at Yucca Mountain, Nevada, now under review by the U.S. Nuclear Regulatory Commission. This action could result in 121 sites in 39 states storing nuclear materials for a hundred years or more, while creating a roadblock to new clean nuclear energy plants and costing taxpayers tens of billions of additional dollars.

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Cut the Payroll Tax

Democrats see the job market and have to concede that what they have wrought isn't good. Unemployment has risen to almost 10 percent despite the huge stimulus bill enacted last winter (and the smaller bipartisan stimulus of early 2008). Democratic leaders are slowly discovering that the economy isn't some old jalopy you can jump-start with a few expert tweaks to the sputtering engine. They are realizing that no jobs and no growth spell trouble for their plans to turn America into a large version of Sweden.

And yet the Democrats are doubling-down on their tax-and-spend agenda. In a hole of their own creation, they're digging furiously away. They keep returning to their theory that Beltway politicians know how to micromanage the economy. They seem convinced that the best response to the stimulus's weaknesses is—we are not making this up—another stimulus. The evidence suggests otherwise.

Last week the White House released figures showing that, so far, $16 billion in obligated stimulus contracts have bought the country a total of 30,383 new jobs. This is far below what the administration had hoped and claimed. Each new (temporary) job, probably paying on average less than $50,000 a year, has cost taxpayers $71,500. It turns out that "cash for clunkers" is a pretty good description of the stimulus overall. No wonder people don't think it's working. No wonder there's public opposition to plunging the country further into debt in the pursuit of such meager gains.

ERIC STURDEVANT

Another group of congressional Democrats wants a temporary tax credit for companies that hire new workers. The credit, in one proposal, would apply to 15.3 percent of the cost of a new hire in year one, 10.2 percent of the cost in year two, and then it would disappear. Before it vanishes, though, the credit would generate all sorts of market distortions. Depending on the final legislative language, it might disproportionately benefit market incumbents rather than start-ups. Some companies might try to get the tax break by simply shifting part-time workers to full-time employment, which would do little to improve the job market.

And like most bad ideas, this one has been tried before. Jimmy Carter included a similar credit in his Tax Reduction and Simplification Act of 1977, and it didn't work. "The impact of the credit on jobs was slight," Emil M. Sunley wrote in his 1980 study of the Carter bill. "In many firms those who make hiring decisions did not understand the firm's tax status. In addition, some time passes between the employment decision and the determination of eligibility for the credit." In other words, by the time employers caught up to Washington's idea-of-the-week, the economy had already moved on.

The good news is that some Democrats and Republicans are taking a second look at a real pro-growth measure. Something simple. Straightforward. Not gimmicky. A payroll tax cut.

The payroll tax hits 60 percent of Americans, including anybody who runs a business. Cutting it would be fast, easy, and effective. Where a tax credit is complicated and invites rent-seeking, a tax cut is transparent. Last December, AEI's John H. Makin calculated that if the payroll tax were suspended for 12 to 18 months, personal discretionary income would rise by 3.5 percent. Workers would have fatter paychecks to spend. The increase in consumption would spur demand. Meanwhile, since the payroll tax also hits employers, a reduction would lower the cost of hiring additional workers. Another way to go would be not to suspend the tax, but to reduce it—permanently.

The main objection to a payroll tax cut is that it would cost the government money. True, but so would any of the other schemes being bandied about. And the deficits those plans would produce are far less likely to result in economic growth. They would buy us little for a lot. By contrast, the deficits resulting from a payroll tax cut would buy us more consumption and more jobs.

Rising joblessness has soured the public on Obama and the Democrats. Their response? Another visit to the empty refrigerator of liberal economics. Sounds to us like an excellent opportunity for conservatives to display some political imagination, put together a bipartisan coalition for a payroll tax cut, and help rescue the economy.

The political benefits wouldn't be so bad, either.

—Matthew Continetti

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New Nukes!

A rallying cry for the 21st century.

BY SPENCER ABRAHAM

Since taking office, President Obama has consistently asserted that one of his foremost priorities is to transform America's energy landscape and move us away from high levels of carbon emissions and imported energy toward clean energy and less foreign dependence.

The question for President Obama is whether he will move beyond the safe harbor of endorsing popular energy ideas such as renewables and conservation and embrace the less loved—but absolutely indispensable—use of nuclear power to meet his energy goals. So far the evidence is not very positive.

In his speech to Congress on February 24, 2009, the president expressed dismay at the fact that while America had invented solar technology, it had fallen behind Germany and Japan in producing it. He likewise complained that while new plug-in hybrid vehicles might one day roll off American assembly lines, they would be run on batteries made in Korea. Noticeably absent from his discussion of energy advances made in other lands was this parallel: America invented nuclear power, but while the rest of the world is aggressively moving forward to use it as a means of combating the growing demand for electric power and to reduce carbon emissions, we haven't built a nuclear reactor in decades. This is most unfortunate because it is simply impossible to reduce carbon emissions or increase our energy security without nuclear energy playing a lead role.

In recent years, as America has been mired in a standoff on nuclear energy, other countries have taken the lead in its advancement. In France, nuclear energy accounts for nearly 80 percent of the nation's power supply. Nuclear plants also account for a substantial percentage of power generation in places like Russia, Japan, and Korea. Meanwhile, the governments of China and India have undertaken new nuclear efforts, and a vast number of other nations are actively contemplating either launching or relaunching nuclear energy programs at this time, including the United Kingdom, the United Arab Emirates, Canada, and even Italy.

OBAMA'S ENERGY POLICY

In the United Kingdom, a Labour party government has forged ahead with a nuclear initiative by Prime Ministers Tony Blair and Gordon Brown, each of whom used his office to educate the citizenry and bring many nuclear skeptics around. America needs that same type of leadership today.

Since Obama took office, we've seen a provision in the stimulus bill providing additional federal loan guarantees for the building of nuclear power plants eliminated, and the Yucca Mountain project to store nuclear waste largely derailed by Yucca-specific budget cuts in the omnibus spending bill and subsequent energy appropriations legislation. These actions will have a disastrous impact on the construction of nuclear plants.

New reactors cannot be built soon enough if the United States hopes to have an impact on carbon emissions. The U.S. nuclear reactors, 104 in 31 states, are aging, mostly built decades ago, and many are pushing their decommissioning deadlines. Nuclear plants provide 21 percent of our nation's power supply. Meanwhile, wind, solar, geothermal, and biomass—the nonhydro renewables—accounted for roughly 3 percent of total net electric generation in 2007, according to the Energy Information Administration.

Because the United States has not built a new nuclear plant in decades, the percentage of power from nuclear reactors is in decline. It's expected to fall to about 14 percent of power generation by 2020, which means that even if renewable sources quadruple to 12 percent of generation by that time (meeting the low end of the renewable mandate contained in the Waxman-Markey energy bill), the combined production of emission-free power from nuclear and renewables will be only slightly higher than it is today. Thereafter, as older reactors begin going offline, we will continue to see increases in renewable energy offset by the reduction of nuclear power. And remember, wind and solar don't produce power all the time. So if nuclear power declines and projected electricity demand increases occur (U.S. electricity demand is currently forecast to rise 26 percent over the next 20 years), we will actually be using more fossil fuel power to meet the growing demand for electricity especially when the wind isn't blowing and the sun isn't shining.

Opponents of nuclear power continue to make their case on the basis of safety. They point to the 1979 Three Mile Island incident and the Soviets' 1986 Chernobyl disaster as reasons not to build new nuclear plants today.

Spencer Abraham is a former secretary of energy under President Bush. He is the chairman and chief executive of the Abraham Group, which advises energy and investment companies.

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Ignored in this discussion is the fact that we've come a long way since 1979. Nuclear reactors and the whole nuclear industry have been transformed. Yet in Congress and the media, critics of nuclear energy talk as if nothing has changed. This would be like having a discussion about long-distance telephone calls without taking into account telephone deregulation, cell phones, satellites, wireless communication, fiber optics, the Internet, and all the other things that have happened in the last 30 years.

Moreover, if the old Three Mile Island-style nuclear plants are as unsafe as critics contend, why do those critics accept the continued operation of such facilities, but oppose building new, safer plants? This is like refusing to have heart bypass surgery in 2009 because back in the 1970s there was a high mortality rate associated with open-heart surgery.

Without nuclear power continuing to play as big a role in the nation's energy mix as it does today, there is little chance the United States will much reduce its greenhouse gas emissions. And without nuclear power producing at least its current 21 percent of our electricity supply in the future, there is an even smaller chance that we can enhance our energy security.

Will President Obama show leadership on this issue? In the United Kingdom, a Labour party government similarly concerned about carbon emissions and foreign energy dependence has forged ahead with a nuclear initiative first proposed by former Prime Minister Tony Blair and continued by Gordon Brown, each of whom used his office to educate the citizenry and bring many nuclear skeptics around. America needs that same type of leadership today.

For President Obama, the temptation is to follow the urgings of environmental groups and antinuclear activists and effectively kill off nuclear energy by denying needed federal support. But if the president is serious about reducing our dependence on foreign energy and addressing climate change, he will help launch America's renaissance in nuclear energy. ♦

Obama's Stealth Energy Policy

If Congress won't make your electricity rates skyrocket, the EPA will. BY MICHAEL GOLDFARB

In early 2008, a week after his defeat in the New Hampshire primary, Barack Obama sat down with the editorial board of the *San Francisco Chronicle*. "The problem is," Obama said about global warming, "can you get the American people to say this is really important and force their representatives to do the right thing?" He went on,

> Under my plan of a cap and trade system, electricity rates would necessarily skyrocket—even regardless of what I say about whether coal is good or bad, because I'm capping greenhouse gases, coal power plants, natural gas—you name it—whatever the plants were, whatever the industry was, they would have to retro-fit their operations.

After an election in which elaborate schemes for energy independence were put forth by both candidates, the Obama administration and the Democratic Congress have done almost nothing to increase domestic energy production.

In September, just before the election, Joe Biden went even further, telling an environmental activist that he and Obama were "not supporting clean coal." They were, Biden said, against all coal, clean or otherwise. "No coal plants here in America. Build them, if they're going to build them, over there."

A little more than a year later, you'd be hard pressed to find a Democrat willing to speak so candidly of the left's aspirational goals for America's energy policy. The preferred Democratic talking point on the cap and trade bill that passed the House this spring before stalling in the Senate is that we can save the planet for "the cost of about a postage stamp a day," in the words of Edward Markey, one of the House bill's authors.

So how did we go from skyrocketing energy prices to a postage stamp a day?

Well, Obama wasn't quite able to "get the American people to say this is really important and force their representatives to do the right thing." The House bill "funnels billions to the coal industry," said one Democratic Hill staffer. And as that bill is currently written, the allowances for carbon emissions that were supposed to be auctioned off—creating a market for carbon, putting a price on emissions, and opening a new revenue stream for the federal government—would be largely

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given away in the early years of the program according to a complicated formula that was carefully calibrated to win the votes of southern and rural Democratic lawmakers whose districts depend on coal for electric power. "They're not going to be bankrupted," the aide said, referring to the coal industry.

Nonetheless, Republican Shelley Moore Capito of West Virginia says that if anything resembling the House bill is signed by the president, West Virginia's economy will "be in the loser column in a big way." (West Virginia generates 98 percent of its electricity from coal.) Capito "doesn't buy" the promises coming from Democrats. "It's possible [coal-fired power plants] will have an exemption for a certain number of years, but then that goes and they're going to pass all their costs on to the rate payer." But she adds, "it wouldn't be a surprise if they stripped exemptions out in conference."

Indeed, the Kerry-Boxer cap and trade bill now moving through the Senate doesn't say anything about how they're going to allocate the allowances for carbon emissions. That was the most contentious piece of the Waxman-Markey bill in the House, and it will be handled in the Senate by Max Baucus's Finance Committee.

Another major piece of the cap and trade bill will have to go through the Agriculture Committee, now chaired by Senator Blanche Lincoln. Lincoln is facing a tough reelection campaign in 2010—a recent Rasmussen poll had her trailing potential Republican challengers, and Arkansas generates nearly half its electricity from coal. California, on the other hand, gets less than 2 percent of its electricity from coal. Cap and trade, by taxing coal and other carbon-intensive power sources, will impose a heavy burden on middle America, and that threatens the recent, majority-making revival of the Democratic party in those states.

With the coming midterm elections looking increasingly dangerous for Democrats, few in Washington believe cap and trade legislation can pass this year or next. Yet Obama billed his victory in last year's Democratic primaries as "the moment when the rise of the oceans began to slow and our planet began to heal," and his supporters are demanding immediate action on climate change. The only available option may be to have the EPA step in and do what Congress won't—regulate greenhouse gases under the 1997 Clean Air Act. But even that option is fraught with challenges, not least of which is the possibility that the wording of the act may subject nearly every business in the country to federal emissions regulations.

The EPA is already acting in coal country, "confusing the permit process" for new mining operations Capito says. "They don't approve or deny, they just keep reviewing." This, and not any grand speech on the danger of global warming, has mobilized voters. The Charleston *Daily Mail* reported that more than 700 people packed a hearing with the Army Corps of Engineers last week "to attack the Obama administration's crackdown on surface mining and offer dire forecasts of West Virginia without coal mining."

After an election in which elaborate schemes for energy independence were put forth by both candidates, the Obama administration and the Democratic Congress have done almost nothing to increase domestic energy production. Congress has done nothing on offshore drilling or gas drilling and undercut efforts to incentivize and expand clean nuclear power through the cap and trade bill. "They're telling us where we can't go instead of where we want to go," Capito says.

So, Obama has not succeeded in getting the American people to "force their representatives to do the right thing." But that hasn't deterred him from trying to accomplish many of the same ends by less democratic means. The question is will the American people let him? ♦

Unhappy coal miners in West Virginia

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The Persecution of Belmont Abbey

Obama's EEOC doesn't believe in religious liberty.

BY CHARLOTTE ALLEN

On July 30 of this year, a regional office of the federal Equal Employment Opportunity Commission (EEOC) notified Belmont Abbey College, a small Catholic institution not far from Charlotte, N.C., that its policy of not covering contraception in its employee health insurance plan violated Title VII of the 1964 Civil Rights Act, the landmark law forbidding discrimination in employment on the basis of race, sex, and other characteristics. The letter, sent by the EEOC's district office in Charlotte, informed Belmont Abbey that the EEOC had made a "determination" that by "denying prescription contraceptive drugs," the college was "discriminating based on gender because only females take oral prescription contraceptives."

The letter came as a shock to Belmont Abbey, because a little less than five months earlier, on March 12, that very same EEOC district office had issued a completely different determination: telling the college that its investigation had left it unable to conclude that there were any "violations of the statutes." The commission dismissed the complaint brought by eight members of the Belmont Abbey faculty challenging the legality of Belmont Abbey's anti-contraceptives policy.

To Belmont Abbey's administration, the March ruling had made sense. The Catholic Church deems the use of artificial contraception by members of either sex to be immoral. Although North Carolina, along with at least 24 other states, requires employers to include contraceptive coverage in health plans that cover other prescription drugs, North Carolina also, along with about 20 other states, grants an exemption to any tax-exempt "religious employer" that has the "inculcation of religious values" as one of its primary purposes and "employs primarily persons who share the religious tenets of the entity." Belmont Abbey, a 1,300-student institution that has received citations for excellence from *U.S. News* and the *Princeton Review*, was founded by Benedictine monks in 1876 and houses a Benedictine monastery on its premises. Its president, William Thierfelder, had discovered in 2007 that its employee health plan covered not only contraception but abortion and sterilization, also forbidden by Catholic teaching, and he moved quickly to have the terms of coverage changed. The college was certain that it fell well within the North Carolina religious exemption.

The implications for religious liberty in the EEOC's newly-arrived-at decision to ignore the good-faith beliefs of a religious institution closely affiliated with a religious order (Benedictines still do much of the teaching at Belmont Abbey) are obvious. "This is the first time that an unelected bureaucrat has expounded a novel theory of law in this fashion and applied it to a 150-year-old small religious college in North Carolina," Eric Kniffin, legal counsel for the Becket Fund for Religious Liberty, which has taken on Belmont Abbey's case, told me in a telephone interview. Right now the college has the option of trying to arrive at a mutually satisfactory "conciliation" with the EEOC and, if those efforts fail, bringing a lawsuit against the commission. Neither Belmont Abbey nor the EEOC will discuss the current status of, or provide further details about, what sort of negotiations might be taking place.

But there are further implications. In taking its current stance, the EEOC is attempting to override not just the conscience-clause laws of nearly half the states but also federal court precedents. Even if a religious institution isn't involved, it's still an open question as far as the federal courts are concerned whether an employer's refusal to pay for contraceptives for its employees—which, in the case of birth-control pills, can add an extra $350 or so per year to the cost of hiring every female employee of reproductive age who is on the pill—really constitutes employment discrimination, either under the original 1964 act or under its 1978 amendment, the Pregnancy Discrimination Act. The latter bars discrimination "on the basis of sex" because of "pregnancy, childbirth, or related medical conditions." Contraception, of course, isn't pregnancy but a means of securing its opposite. And while birth control pills can confer health benefits, such as regulating menstruation or treating hormonal skin conditions, the reasons most women take them have more to do with lifestyle than health.

Just two years ago, the Eighth U.S. Circuit Court of Appeals in St. Louis, apparently the only federal appellate court to take up these questions directly, answered the employment discrimination question with a no. "While contraception may certainly affect the causal chain that leads to pregnancy, we have specifically rejected the argument that a causal connection, by itself, results in a medical condition 'related to' pregnancy for PDA purposes," Judge Raymond Gruender wrote for a 2-1 majority in *Standridge* v. *Union Pacific Railroad Co.* Gruender pointed out that the Eighth Circuit had earlier ruled that an employer's refusal to pay for (even more expensive) infertility treatments for female employees did not constitute sex discrimination under the PDA.

While the *Standridge* decision is legally binding only in the handful of Midwestern states that make up the Eighth Circuit, the case was considered so important nationally that

Charlotte Allen is a contributing editor to the Manhattan Institute's Minding the Campus website.

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Senate majority leader Harry Reid and 29 other federal lawmakers signed an amicus curiae brief urging the Eighth Circuit to make contraceptive coverage mandatory under Title VII. The names of some of those signers are significant: not just Reid's but those of Henry Waxman, chairman of the House Energy and Commerce Committee and key author of the current House health care legislation, and Olympia Snowe of Maine, the only Republican besides Chris Shays to sign the amicus brief and also the only Republican to sign on to the Senate Finance Committee's health care bill that is currently pending before the full Senate. The Alliance for Justice, a Washington-based liberal advocacy group, issued a scathing denunciation of the *Standridge* decision titled "Keeping Them Barefoot and Pregnant" and making much of the fact that Gruender had been appointed to the Eighth Circuit by President George W. Bush, enemy of all things liberal.

The EEOC, however, has adamantly maintained—or at least has adamantly maintained while Democratic presidents who appoint commission members have held office—that prescription contraceptives belong in every employee health plan, or else. In a decision handed down during the last days of the Clinton administration, on December 14, 2000, the commission essentially stated that employers, in order to comply with Title VII, must not only cover "drugs, devices, and preventive care" related to contraceptives, but visits to doctors to prescribe and monitor them as well. "Contraception is a means by which a woman controls her ability to become pregnant," was the decision's way of reasoning to a connection to Title VII and the Pregnancy Discrimination Act.

The EEOC's push to enforce that interpretation became somewhat muted during the Bush years (the commission stayed out of the *Standridge* case, for example), but President Obama's appointments to the five-member commission suggest a more aggressive approach on this front. His acting chair, Stuart Ishimaru, appointed on January 20 right after the inauguration, promised to attack "both traditional and emerging forms of workplace discrimination." Another Obama appointee to the EEOC, Georgetown University law professor Chai Feldblum, has called for strict, no-religious-exemption enforcement of antidiscrimination laws, at least when it comes to gay rights. Connect the dots between March, not long after Obama took office, and the end of July, and it's hard not to surmise that Washington's EEOC headquarters played a role in the Charlotte district office's about-face in the Belmont Abbey case.

The Basilica at Belmont Abbey College

One problem for Belmont Abbey is that most other employers have thrown in the towel on contraceptives. The Union Pacific Railroad, which had balked at providing low-cost birth-control pills to 1,500 female employees affected by the *Standridge* ruling, gave up the fight at about the same time the decision came down, and the case never went to the Supreme Court for a definitive nationwide ruling. It's estimated that 90 percent of employers nowadays provide contraception coverage. Perhaps their theory is that it's cheaper than paying for childbirth, and a lot cheaper than paying for lawyers to fight a case like *Standridge*. Or perhaps, since employers (and insurers) are willing to subsidize their male employees' access to Viagra, and even, in some cases, Propecia, which contribute zilch to health but facilitate sexual fun, they believe they ought to do something similar to ensure that the women on their payrolls have a good time without worrying.

Even many Catholic colleges seem to have given in (I confirmed this with spokesmen for three of the larger ones: Boston College, DePaul in Chicago, and Loyola-Marymount in Los Angeles). Catholic college spokesmen typically cite state coverage mandates, which can be enforced brutally, even in states with conscience clauses. The California Supreme Court ruled in 2004 that Catholic Charities could not invoke California's religious exemption clause because most of the beneficiaries of its services weren't Catholic. There's also social pressure from a secular world in which contraception is the norm. The vast majority of Catholics these days practice birth control in the same fashion as their non-Catholic neighbors, and many professors and administrators at Catholic colleges define their institutions as independent from the official church and its dictates.

That leaves Belmont Abbey, which prides itself on its fidelity to traditional Catholic teaching, to fight nearly alone. Thierfelder has said that he will close down the school rather than give in to the EEOC's current mandate. He may well be obliged to do so. Whether under the so-called "public option" of government-run health insurance proposed by the House health care-overhaul bill, or the elaborately regulated coverage mandates contemplated in the Senate Finance Committee's version, it is all but certain that subsidized contraceptives will be part of the package. And so might be subsidized abortion, since congressional Democrats have refused so far to establish guarantees against that eventuality. Add to that an EEOC that seems determined to ignore exemptions for religious liberty, and while Thierfelder might hope for—and deserve—a court ruling that protects his institution's desire to live out its religious commitment, by the time he gets to court, it may be too late. ♦

BELMONT ABBEY COLLEGE

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A Dynamite Prize

The Nobel Prize for peace that passeth understanding. BY P.J. O'ROURKE

Once the sniggering is over and the king of Norway has had his smoked salmon spit-take toweled off, everyone will realize that giving Barack Obama the Nobel Peace Prize was an inspired choice.

The peace prize committee members have achieved what Buddhists call *satori*. Enlightenment came to them through contemplation of an ancient Zen koan, "What is the sound of one American president doing *$@#-all?" The answer is "*ka-ching*"—a $1.4 million Nobel Peace Prize.

The five members of the prize selection committee (chosen by the Norwegian Parliament, apparently at random from the local methadone clinic) will now travel the world offering all of humanity release from the endless cycle of death and rebirth. Or did the 1989 peace prize winner, the Dalai Lama, do that already?

The Nobel Peace Prize has always been a joke—albeit a grim one. Alfred Bernhard Nobel famously invented dynamite and felt sorry about it. In fact, he was a good deal worse than that. Dynamite's okay—clearing beaver dams, blowing stumps, blasting hillsides to spend Obama stimulus money on pointless HOV interstate lanes. But Nobel was the experimental progenitor of all modern high explosives. Nobel was the man who transformed the cannon from a pirate-ship pop gun to an airmail express delivery system for slaughter. Nobel was the fellow who allowed assassins to make the evolutionary leap from cloak and dagger Caesar-stickers to Timothy McVeigh. Plus Nobel invented smokeless gunpowder, which dispelled the fog of war and turned the modern battle into a pellucid field of fire. As murderous industrial magnates go, Alfred Nobel is right up there with Ray Kroc, franchiser of McDonald's.

Nobel left most of his huge fortune to an endowment that funds the prizes named after himself. Beginning in 1901 five Nobels have been awarded pretty much annually. They are given for chemistry, physics, medicine, literature "of an ideal tendency," and peace. Since 1969 there's been a sixth prize, for economics—to no good effect, judging by my 401(k). I don't know enough about chemistry, physics, medicine, or literature of an ideal tendency to say whether these prizes have done harm. But the peace prize stinks.

Occasionally the peace prize has gone to actual peace negotiators, but usually, per Teddy Roosevelt, when there was nothing left to negotiate.

Theodore Roosevelt got the 1906 prize for ending the Russo-Japanese War after it was over. Never mind his role in starting the Spanish-American War, an altogether less worthwhile conflict. We conquered Puerto Rico! And the 1919 honoree, Woodrow Wilson, gave us America's participation in World War I, and then, with his Versailles Treaty, he gave us *everybody's* participation in World War II. "Woody's World" is with us right down to the present day in places such as Kosovo. Thus, with President Wilson alone, the Nobel Peace Prize death toll is over 50 million and counting.

Occasionally the peace prize has gone to actual peace negotiators but usually, per Teddy Roosevelt, when there was nothing left to negotiate. Carlos Saavedra Lamas got his in 1936 for mediating between Bolivia and Paraguay in the Chaco War (1932-35). Both nations were exhausted, 100,000 soldiers were dead, and the Chaco was—as it had been and remains—a vast, useless weed patch. Likewise, Betty Williams and Mairead Corrigan (1976) and John Hume and David Trimble (1998)—the four of them were standing around when, after 500 years, the fool residents of my ancestral homeland ran out of ammo and beer.

Nelson Mandela (1993) and Menachem Begin (1978) didn't negotiate peace; they negotiated their manner of winning. Martin Luther King (1964) was a pacifist, perhaps, but his real genius was showing how, in a democracy (however imperfect), under rule of law (ditto), violence is counterproductive. The rioting after his death proved his point.

Other peacemakers were even less effective. William McKinley's secretary of war (sic), Elihu Root, was honored for advocating a League of Nations, rather prematurely, in 1912. Worse yet was the timing of Henri La Fontaine, a member of Parliament in gallant little Belgium. He received a prize for being president of the Permanent International Peace Bureau in 1913. Aristide Briand (1926) and Frank B. Kellogg (1929) forged the Kellogg-Briand Pact of 1928 in which Germany, France, Great Britain, the United States, Italy, Japan, and nine other nations forswore "recourse to war for the solution of international controversies." But the Japanese ate their Wheaties and invaded Manchuria.

Ralph Bunche (1950) attempted to soothe the hard feelings between Jews and Arabs in Palestine. Thanks "a Bunche," Ralph. Lester Pearson (1957) tried to end the Suez conflict (though it was Dwight Eisenhower—no prize—who ended it). Dag Hammarskjold (1961) brought lasting harmony to the Congo or surely would have if his plane hadn't crashed. Kim Dae-jung (2000) created the concord and amity with North Korea that we enjoy today. Kofi Annan (2001) left us with—I quote the prize committee—"a better organized and more peaceful world." And there's no end

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to the good that Jimmy Carter (2002) did—for Republicans.

Some peace prize winners experienced precious little peace at the time of their winning: Andrei Sakharov (1975), Lech Walesa (1983), Desmond Tutu (1984), Aung San Suu Kyi (1991).

Of course, if you go around giving prizes left and right (mostly left) for more than a century, you're bound to give some to worthy people once in a while. With the Nobel committee this usually involves the Red Cross (1901, 1917, 1944, 1963). But the Red Cross doesn't bring peace, it brings bandages. Then there are such estimable folks as Albert Schweitzer (1952), Mother Teresa (1979), Elie Wiesel (1986), and micro-credit banker Muhammad Yunus (2006). I'm glad they had a payday. I'm a fan of their work. But, huh?

Lately the peace prize committee is just messing with our heads. They honored Mohamed ElBaradei and the International Atomic Energy Agency in 2005, by which time India, Pakistan, Iran, and hence every cab driver in New York had the bomb. In 2008 they gave the prize to "Martti Ahtisaari," supposedly a former president of Finland, "for his important efforts, on several continents and over more than three decades, to resolve international conflicts." They're pulling that out of their boxer shorts. And let's not mention Al Gore (2007) except to note that Abraham Lincoln did not urge us, in his Second Inaugural Address, to "achieve and cherish a just and lasting cap on carbon emissions among ourselves and with all nations."

Speaking of justice, where in the list of Nobel Peace Prize winners are the men and women of Lincoln's mettle, who brought just and lasting peace to whole continents? Where is Winston Churchill? Franklin Roosevelt? Harry Truman? Margaret Thatcher? Ronald Reagan? Instead what we get is Mikhail Gorbachev (1990) and Barack Obama.

Paddy walks into the bar and shouts, "Drinks all around! Me wife's next in line for the Nobel Peace Prize!"

"Paddy," says the barkeep, "Yer wife's been in a coma since January."

"Ah!" says Paddy, "Isn't peace grand!" ♦

Celebrating the Iranian revolution in Tehran by hanging an effigy of Uncle Sam

REUTERS / M. NIKOUBBAZL CJF

We Have Met the Enemy . . .

And it is Iran.

BY MICHAEL LEDEEN

Speaking publicly about the role of Iran in Afghanistan—which is substantial, and about which we have considerable information—seems to be taboo for our current leaders. This is neither new nor surprising. Iranians, and Iranian-trained terrorists from organizations such as Hezbollah, have been killing Americans for years. The Bush administration, for example, had similar information about Iran's role in both Iraq and Afghanistan, and top officials did their best to suppress it. According to reporter Bob Woodward, a top State Department official knew that Iran had committed "acts of war" against our troops in Iraq and kept that information from the president, fearing a forceful response.

Nonetheless, we learned a lot about Iranian activities against our troops, both because the basic elements in the lethal roadside bombs were traced to Iran, and because Iranian military officers (from the Revolutionary Guards' Quds Force) were captured in Iraq and provided details of the mullahs' training, arming, funding, and protection of insurgents sent to kill Americans and other coalition forces.

This information was not limited to Iraq. During the initial assault against the Taliban following 9/11, Special Forces found Iranian assassins operating against us, and by late 2007, there was abundant public

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testimony about Iran's activities in Afghanistan.

■ Former White House counter-terrorism official Richard Clarke pointed out in the summer of 2007 that the Taliban were using heavy arms, C-4 explosives, and advanced roadside bombs. "It is inconceivable," he said, "that it is anyone other than the Iranian government that's doing it."

■ Undersecretary of State Nicholas Burns said at the same time, "There's irrefutable evidence the Iranians are now doing this. It's certainly coming from the government of Iran."

■ General Dan McNeill, the commander of NATO forces in Afghanistan, announced that "the Iranian military was involved in a shipment of sophisticated explosive devices intercepted [in September 2007] . . . in western Afghanistan."

The Iranians' attacks on American forces were nothing new; they were only the most recent in a war that began in 1979 with the Islamic Revolution's seizure of power in Tehran. Soon thereafter, Iran raced to the top of our list of state sponsors of terror, and it is still there today. Those well-known chants of "Death to America!" are not slogans for domestic consumption; they describe the central thrust of Iranian foreign policy. The mullahs are now part of a global anti-American alliance that includes Syria, Russia, Eritrea, China, Cuba, Venezuela, Nicaragua, and Bolivia, along with terrorist organizations from Hezbollah, Hamas, and Islamic Jihad to the Colombian FARC.

Therefore, in Afghanistan as in Iraq, no matter how well we do, no matter how many high-level targets we eliminate, no matter how many cities, towns, and villages we secure, unless we defeat Iran we will always be designing yet another counterinsurgency strategy in yet another place. We are in a big war, and Iran is at the heart of the enemy army. Alas, no American president since the Islamic Revolution has been willing to face the consequences of Iran's war against America. Most of the time, our leaders have refused to accept the fact that Iran will do everything possible to dominate or destroy us. Instead of trying to defeat the mullahs, every president has sought rapprochement, just as Obama is doing now.

Another element of continuity between Obama and his predecessors is the refusal to support the Iranian regime's domestic opponents. For nearly 30 years, American experts and policymakers have dismissed the idea that a democratic revolution in Iran is possible and have done virtually nothing to encourage one or to support Iranians who risk their lives to bring one about.

In an obvious appeasement message to the tyrants, a U.S. government grant was recently terminated to the Iran Human Rights Documentation Center in New Haven. To date, not a single Western government has made contact with the leaders of the opposition, let alone provided help.

In recent months, however, it has become clear to all but the most cynical observers that a large and disciplined opposition to the regime exists. Late in Ramadan, two enormously significant events showed the dimensions of the challenge to the regime. First, at least 15 leading Shiite ayatollahs, from both Iran and Iraq (including such revered figures as the Ayatollah Montazeri in Qom and Ayatollah Sistani in Najaf) denounced the leadership of Supreme Leader Khamenei, thereby depriving him of the religious authority that provides the legitimacy of the Islamic Republic. Other leading clerics have followed suit.

Second, the anti-regime demonstrations on "Quds Day" in late September were so massive and so disciplined that the regime's security forces were unable to respond with their usual mayhem. Indeed, they did not fire a single shot against the demonstrators in Tehran. As an Iranian friend put it, "Now they know the way it is." In recent demonstrations on university campuses around the country, security forces stayed away.

Nothing would so greatly help us in the big war—most definitely including Afghanistan—as the fall of the regime in Tehran, which is now a distinct possibility. The opposition leaders, Mir Hossein Mousavi and Mehdi Karroubi, have promised to cut off Iranian support for terrorism and open all the nuclear facilities to international inspection, but our leaders don't want to have anything to do with them. Indeed, in an obvious appeasement message to the tyrants, a U.S. government grant was recently terminated to the Iran Human Rights Documentation Center in New Haven. To date, not a single Western government has made contact with the leaders of the opposition, let alone provided help.

Most of the needed support is political: calls by top American officials for the release of political prisoners, equal rights for women (for which Mousavi's wife has been a charismatic advocate), and freedom of speech, press, and assembly. The president could earn his Nobel Peace Prize by condemning the regime's slaughter of its own people, by instructing the timorous broadcasters at VOA's Farsi Service to report more vigorously on Iranian actions, by helping the independent Iranian-American and European radio and TV stations beat the regime's jamming, and by supporting software to evade the mullahs' "filtering" of the Internet and cellular phone calls. Finally, Obama could suggest to his friends in the labor movement that it is long past time to build a strike fund for Iranian workers.

None of this is very hard, and it's a lot easier than trying to talk the mullahs out of their nukes or facing a nuclear Iran when we fail. It's strategically sound and morally right. And it will change the world for the better. ♦

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Mr. Salazar, Tear Down This Cross

The government is paying the ACLU to knock down our war memorials.

BY JONATHAN V. LAST

In 1934, a small band of veterans of the First World War gathered at Sunrise Rock, an outcropping of stone in the Mojave Desert. There they raised a modest, handmade white, wooden cross, about five-feet high. At the foot of the cross they placed a plaque that read, "The Cross, Erected in Memory of the Dead of All Wars. Erected 1934 by Members of Veterans of Foreign Wars, Death Valley Post 2884."

Many of these men had moved to Death Valley following the Great War on the advice of doctors, who thought the warm, arid climate would help their injuries heal. For the most part, they lived a humble existence: Some took up mining; some built small ranches. John Riley Bembry was typical. Born in 1899, he had been a medic in the war and then dabbled in prospecting, living in a shack made of wood planks and corrugated aluminum seven miles from Sunrise Rock. He was a man of little religious conviction, but he agreed to look after the memorial.

Over the years, the cross sometimes fell prey to vandals. In one such incident, both the plaque and the cross were taken and Bembry replaced the wooden cross with one made of steel pipes. He did not replace the plaque. In 1983, his health failing, Bembry approached a local man he'd befriended, Henry Sandoz, and asked him to assume care of the memorial. Sandoz agreed, and Bembry died a few months later.

Sandoz still looks after the memorial today. But perhaps for not much longer. The Supreme Court recently heard oral arguments in *Buono* v. *Salazar*, a case in which a retired National Park Service employee, Frank Buono, is demanding that the government—specifically Ken Salazar, the secretary of the Interior—take down the cross.

On the surface, *Buono* is a relatively straightforward Establishment Clause fight—the Establishment Clause of the First Amendment stipulates that "Congress shall make no law respecting an establishment of religion." The Sunrise Rock cross is, indisputably, a Christian symbol. It sits on land that is part of the Mojave National Preserve, which is operated by the National Park Service. But the particular facts of the case—both the origins of the suit and the course of the litigation—demonstrate how the modern machinery of civil liberties law abets a certain type of antireligious passion.

Sunrise Rock did not always belong to the Park Service. When the Death Valley VFW dedicated its memorial, the land was in the public domain. Which is to say that, after California achieved statehood, all of the unclaimed land was given to the government's General Land Office—the same body that handed out plots to homesteaders in the 1860s. It administered the empty land in the desert, assigning mining claims to prospectors and handing out grazing rights to ranchers. In 1994 the land was transferred out of the public domain and to the National Park Service so it could create the Mojave National Preserve.

At 1.6 million acres, the preserve is one of America's largest national parks. The federal government owns roughly 90 percent of it. The state of California owns 43,000 acres, and 86,000 noncontiguous acres are owned by a thousand private landowners. These plots are dotted indiscriminately throughout the preserve with no markings or signage. To visitors, they're indistinguishable from the rest of the land.

Frank Buono worked at the preserve in the mid-1990s, before retiring in 1997. In 1999, the Park Service received a strange note from "Sherpa San Harold Horpa." Horpa wanted to install a Buddhist shrine close to the Sunrise Rock cross. Perhaps sensing that they were being led into an Establishment Clause trap, the Park Service responded to Horpa with a letter saying that he was not allowed to erect a religious symbol on federal land and that violation of this command could result in "citation and/or arrest." A handwritten aside on the letter informed Horpa that the Park Service knew about the memorial cross near where Horpa wanted his shrine and stated, "It is our intention to have the cross removed."

As it turns out, "Sherpa San Harold Horpa" was actually Herman R. Hoops, another retired Park Service employee and a longtime friend of Frank Buono's. Four months after the Park Service denied the Horpa/Hoops request, they received another letter, this time from the ACLU. The ACLU threatened suit if the cross was not removed. A year later, with the cross still in place, the ACLU lawyers sent another letter, giving the Park Service 60 days to tear down the cross—or else. "If we do go forward with a lawsuit," the letter intoned (somewhat dubiously), "a court not only would order the government to remove the cross, but it also likely would assess damages against those responsible government officials who knew about the cross and yet did nothing about it." Park Service officials rushed to tell the ACLU that they fully intended to do away with the cross.

The affair came to the attention of Congressman Jerry Lewis, in whose district Sunrise Rock sits. He mounted a guerrilla campaign to save the cross and attached a provision to a 2000 appropriations bill which mandated that no government funds could be used to remove the memorial. With the Park Service's hands tied, Buono and the ACLU filed a federal case in California's Central District Court.

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The district court quickly found in Buono's favor and ordered the Department of the Interior (which oversees the National Park Service) to remove the cross. The Park Service covered it with a large, wooden box while Interior lawyers appealed the decision to the Ninth Circuit.

While the Ninth Circuit deliberated—they eventually upheld the district court decision ordering the cross's removal—the government adopted the sensible approach of trying to make the problem go away. Congress passed a law instructing the Department of the Interior to trade the acre of land around Sunrise Rock to the VFW for an equitable parcel. (Henry Sandoz was willing to donate the land.) The government placed no strictures on the VFW save that they use the land for "a national memorial commemorating United States participation in World War I." The VFW was free to keep the cross as part of the memorial or to discard it any time, entirely at its own discretion. It was an elegant solution. The cross would be on private land and its fate in private hands. It would no longer be the government's headache. In his lawsuit, moreover, Buono had claimed that he didn't object to the cross *per se*, but only its presence on government land, and so this would solve his problem, as well. Even better, swapping land to escape a potential Establishment conflict had precedent in the Seventh Circuit's 2000 decision in *Freedom from Religion Foundation, Inc.* v. *City of Marshfield*.

Yet Buono and the ACLU were not appeased. It turned out that they didn't just want the cross off government land. They wanted it gone altogether. They went back to the district court and asked that an injunction be issued barring the land swap. The court obliged, and the federal government again appealed to the Ninth Circuit, which, having already upheld the district court once, did so again. In striking fashion, the Ninth Circuit declared the land transfer unconstitutional because (1) the Court just *knew* that Congress wanted the VFW to keep the cross in place, even if the legislation said the opposite; (2) the Park Service would somehow be providing "upkeep" for the memorial once it was on private land (even though they had never provided upkeep for it in the past); and (3) the government had not conducted an open bidding process for the property.

The most dizzying conclusion from the Ninth Circuit was that even if the cross sat on private land, "a reasonable observer . . . *would believe—or at least suspect*—that the cross rests on public land because of the vast size of the preserve, more than 90 percent of which *is* federally owned" [emphases in the original]. Thus, the Ninth Circuit would have the courts prohibiting even private parties from displaying religious symbols in circumstances where an observer might not understand who owns what.

The Sunrise Rock cross, shrouded in plywood

NEWSCOM

Buono—the case, not the man—finally made its way to the Supreme Court this month, where it is being considered on narrow grounds. The government did not defend itself from the charge that the memorial is a violation of the Establishment Clause. Instead, it argued that the district court erred in blocking the land transfer. In oral arguments, Solicitor General Elena Kagan seemed eager to wash her hands of the affair.

Frank Buono remains as aggrieved as ever. He claims to be a Roman Catholic and still insists that his gripe is not with the cross itself. Buono told the district court he still visits the preserve a few times a year, but that so long as the cross remains standing, he will avoid Sunrise Rock, even though it means taking the long way around.

As for the ACLU, they're being compensated for their actions on Buono's behalf. The Civil Rights Attorney's Fees Award Act of 1976 stipulates that even in partially successful civil-rights suits, the defendant pays for attorney fees. So in 2004, the United States of America paid the ACLU $62,793.69 for their efforts to dismantle the memorial at Sunrise Rock. Once the Supreme Court hands down its verdict, there should be more money in the offing for the ACLU lawyers. From time to time, Congress has tried to amend this act so as to exempt Establishment Clause suits—after all, defendants suffer no damages in such cases—but such attempts have never become law.

And depending on how the Supreme Court decides *Buono*, there could be lots more work for the ACLU. After all, what would stop an aggrieved party from suing Arlington National Cemetery? (In an effort to hedge against Establishment Clause fights, the government makes available 39 different "faith markers" for the graves at Arlington, including special tombstones for atheists and Wiccans.) Then there is the national memorial in Michigan to Father Marquette, owned and operated by both the state and the National Park Service. The memorial depicts the missionary priest carrying a cross.

Nor are these just flights of fancy. The ACLU is already hoping that the *Buono* decision will help it with its case against the Mt. Soledad Memorial in La Jolla, California. A large cross that has served as part of a war memorial since 1913 has been the target of litigation for 20 years. In 2007, the ACLU filed *Jewish War Veterans of the United States of America, Inc. et al.* v. *Robert F. Gates*. They lost that case, but during the appeal process pointed to *Buono* as the future controlling precedent. If the ACLU wins *Buono*, they'll be back for another try at Mt. Soledad, and the cash register will keep ringing. ♦

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Worthwhile Canadian Initiative—Really

An answer to America's energy problems lies in Alberta's oil sands

By Fred Barnes

Ft. McMurray, Alberta

Canada feels unappreciated. Recall the winner of the *New Republic*'s contest for the world's most boring headline. It was "Worthwhile Canadian Initiative." Okay, I doubt Prime Minister Stephen Harper had that particular American slight in mind as he sat next to President Obama in the Oval Office last month. But when reporters were ushered into the room, he made a pitch for American gratitude. "I remind all our American friends," he said, "that Canada is by far the largest supplier of energy to the United States." Who knew?

Harper was putting it mildly. Canada is singularly capable of improving America's energy security and reducing our reliance on oil from unfriendly or unreliable countries like Saudi Arabia, Venezuela, and Nigeria. The government of Canada is also doing something most American politicians wouldn't dare: openly defying the environmental movement. Environmental activists—especially American ones—are riveted on one mission in Canada: stopping production from the oil sands of northern Alberta. The ostensible reason is it pollutes the atmosphere. The real reason is it produces oil, the use of which environmentalists wish to stamp out. And because most of the oil from this remote region is exported to the United States—and much more will be in the future—the initial goal of environmentalists is to bar the oil from reaching the vast American market.

OBAMA'S ENERGY POLICY

America's consumption of energy is certain to grow over the next two decades. But the Obama administration has balked at new development of domestic oil resources.

A decade ago, Canada provided 15 percent of America's oil imports. Last year, the figure was 19 percent. Now it's probably more than 20 percent. As production in the oil sands increases, that share should eventually double. And there's a strategic point: The more we get from the oil sands, the less America will import from hostile countries. Already this past July, Canada sent 1 million more barrels of oil a day to the United States than did Saudi Arabia, our number two source of imported oil.

The oil sands (also known as tar sands) cover an area roughly the size of Florida. The oil, or bitumen, is mixed with sand, and it took decades for experts to figure how to separate the two profitably. The total deposit is estimated at 1.7 trillion barrels, but it could be even larger. That's *trillion*, compared with which U.S. daily oil consumption of nearly 20 *million* barrels is minuscule, a trifle, a speck. Only one-tenth of the deposit is economically recoverable today, and I emphasize *today*. It's all but certain that more of the oil will become extractable as energy technology, which is anything but static, continues to develop. The sands are likely to be a secure, accessible, and growing source of oil for decades. As a Canadian might put it, that's a national security hat trick, benefiting the United States.

With Barack Obama in the White House, we'll need every barrel the oil sands can produce. America's consumption of energy is certain to grow over the next two decades. But the Obama administration has balked at new development of domestic oil resources. Obama revoked President Bush's order permitting oil companies to drill off the

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Wetlands north of Ft. McMurray, one of the original sites from which Syncrude began to extract oil in the early 1970s

SYNCRUDE

Atlantic and Pacific coasts, and he opposes new drilling in Alaska. His minions have cancelled oil leases in the West and declined to approve new ones in the Gulf of Mexico.

Since more oil will have to be imported whether Obama and the environmental lobby like it or not, better from the oil sands than anywhere else. Oil from Canada comes to the United States by pipeline. This has many advantages. There's far less chance of spills than when oil is imported by tanker. Pipelines are secure. The supply lines are short. The oil goes directly to refineries. Also, Canada and the United States are as tightly intertwined as economic partners can get. The flow of oil from Canada won't be disrupted by political disputes.

The chief threat of disruption comes from environmentalists, mostly American ones. Canadian environmentalists loathe the oil sands and they're good at stunts, like unfurling "Stop the Oil Sands" banners in public places. Two dozen Greenpeace protesters recently broke into the Shell Albian Sands facility north of Ft. McMurray, where 15 of them chained themselves to heavy equipment. But Canadian environmental groups lack political clout. For them, the good news is that reinforcements from the States have arrived.

American groups have made the oil sands a top target. They've set up shop in Alberta to push the cause. When Harper came to Washington last month, protesters showed up across from the White House to denounce exploitation of the oil sands. More important, American environmentalists have made the oil sands a big media story in the United States. And they have many friends and former colleagues in the Obama administration.

Their dream is to persuade, or force, the Obama administration to ban imports from the oil sands. Their chief argument: "Heavy" oil from the oil sands emits more greenhouse gases than conventional oil, thus producing more global warming. In the imagination of environmentalists, the fate of planet Earth is at stake here.

But even if Obama goes along, the oil sands won't be returned to nature. Both Harper's Conservative party and the opposition Liberal party support more production. Michael Ignatieff, the Liberal leader, said the oil sands provide "employment for hundreds of thousands of Canadians" and are a source of what the Toronto *Globe and Mail* called "Canada's geopolitical power."

Besides, should the United States halt imports, Canada has an alternative market for its oil. Two months ago, PetroChina, which is owned by the Chinese government, agreed to invest $1.7 billion in two oil sands projects. America's loss would be China's gain.

Assuming America and the world will continue to need oil, it would be hard to find a more appropriate place to produce it than the oil sands of Alberta. The sites used for energy production represent a tiny portion of the vast boreal forest that stretches across northern Canada. The oil region is thinly populated and far from any urban center, yet quite accessible to markets. The oil sands contain the world's second largest oil reserves after Saudi

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Arabia's. And, thank God, they're in a friendly, politically stable, nearby, democratic country.

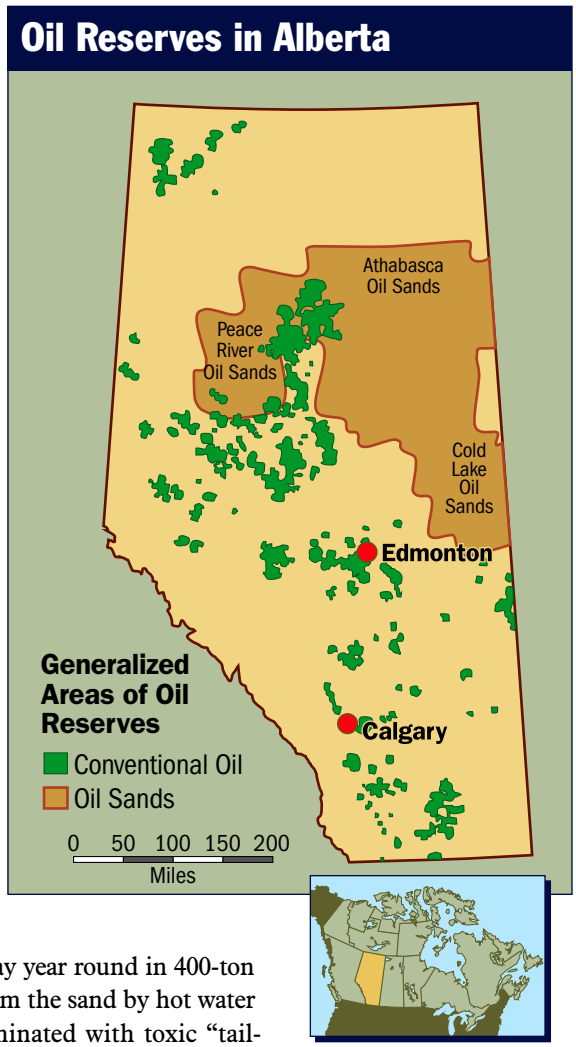
When I toured three oil sands facilities this summer, I was struck by three things. First, roughly 20 percent of the oil is close enough to the surface to be strip-mined. The mining, using a giant shovel and trucks three stories high, leaves an ugly scar on the land. Second, the other 80 percent of the oil is being recovered through an innovative process that uses less energy, causes less pollution, and creates a smaller footprint on the land. Three, the oil companies got off to a slow start in restoring the environment. Now they're downright obsessed with their obligation, both legal and ethical, to reclaim the areas they've damaged or devastated.

The oil sands are a unique geological formation created eons ago when oil was pushed upwards, perhaps by the emergence of the Rocky Mountains. Some of the oil reached the surface, and on hot days it still oozes from the ground. "We're just cleaning up God's oil spill," says Alberta official Gary Mar. "It's a giant reclamation project."

Development of the oil sands began in 1967, and today only a relatively small area—1,356 square miles—is being mined. At the Albian Sands mine, everything is supersized. The giant trucks, which cost $5 million, have wheels priced at $60,000 a piece. Women, by the way, are regarded as the best drivers. Oil-saturated dirt is shoveled onto trucks 24 hours a day year round in 400-ton loads. Then the oil is separated from the sand by hot water and upgraded. The water, contaminated with toxic "tailings," is discharged into a pond.

Until the tailings settle, the water is a problem, as Syncrude, Canada's biggest oil company, found to its embarrassment last year. About 500 ducks landed on a Syncrude pond and died. The incident attracted worldwide news coverage, and a Greenpeace banner ("World's Dirtiest Oil: Stop the Tar Sands") was unfurled at the facility. Since then, systems to deter ducks have been installed at the ponds.

Though the point is lost on environmentalists, surface mining represents the present—and maybe the next 20 years. The oil sands' future is a process called steam assisted gravity drainage—or SAGD (pronounced sag-dee) in oil field lingo—developed by a petroleum engineer named Roger Butler. It was this invention, which came to Butler while he was drinking a beer in a restaurant, that put the oil sands on the world's energy map by making its underground oil recoverable. Butler's cutting edge technology uses steam and gravity to let oil seep into a pipe and come to the surface. It has the added advantages of not tearing up the land and of emitting less greenhouse gas.



Before my tour of the oil sands, I had expressed no interest in reclamation. But my guides from three oil companies insisted on taking me to areas that had once been mined, now covered with trees, grass, and other vegetation. I saw a herd of 300 bison grazing on land reclaimed near a Syncrude facility. I sloshed through wetlands to see an impressively restored pond. I was force-fed industry plans for restoring the frontier.

The reclamation effort, though intense, doesn't bring instant results. Rather, it takes years for a spot of land to look reclaimed. Near one site, Cheryl Robb of Syncrude told me, "If you were to come back to this spot in 20 years, the view would be dramatically different. . . . You'd overlook a landscape reclaimed with lakes, forests, wetlands, and grasslands." Maybe so, but environmentalists focus on the way the oil sands appear now.

Their primary argument, however, is that extracting oil from the oil sands is a far greater contributor to global warming than producing conventional oil. It's a weak and disingenuous case. Environmentalists claim extracting and producing crude oil from the oil sands generates as much as three times more greenhouse gases. But that process is only one-fifth of the oil's life cycle. Measured on a well-to-wheels basis—from extraction to combustion as gasoline—its emissions are only 5 percent to 15 percent greater than those from conventional oil, according to Cambridge

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Energy Research Associates (CERA). "This places them within the general range of crude oils consumed in the United States," a CERA study said. And oil from the sands gives off less than one-tenth of one percent of the world's CO_2 emissions.

But environmentalists have been successful in one sense. They've coaxed the media into treating the oil sands not only as an important story, but as a tale of environmental trouble, not an energy issue. That's a switch from three years ago when *60 Minutes* aired a 13-minute segment on the oil sands. It emphasized the prospect of oil sands production at eight times the output of Saudi Arabia. The sands could "help solve America's energy needs for the next century," CBS correspondent Bob Simon said. The environment got less attention.

In *National Geographic* in March, the environment got top billing. The title of the story—"Scraping Bottom: The Canadian Oil Boom"—offered a pretty good hint where it was headed. In words and unattractive pictures, the article played up the drawbacks of exploiting the oil sands. "Nowhere on Earth is more earth being moved these days," it said. The story suggested fish are being contaminated, natural gas wasted, First Nations (Indians) mistreated, even people afflicted with deadly disease—all as a result of the oil rush.

Now the media flock to northern Alberta with one story in mind. And since there's plenty of at least temporary ugliness here, they have no trouble finding it. Reclamation is of less interest. Oil company officials complained that a BBC crew refused to climb Gateway Hill to film a reclaimed site. And a photographer for an American magazine declined to hike to the pond that I thought had been nicely restored. Slightly more balanced, the *New York Times* headlined a story last month, "Oil Sands: Destroyer or Savior?"

In August, the State Department approved construction of a pipeline to bring what it called "heavy crude" from the oil sands to a terminal in Wisconsin. The reasoning was unequivocal. The pipeline "would serve the national interest, in a time of considerable political tension in other major oil producing regions and countries, by providing additional access to a proximate, stable, secure supply of crude oil with minimum transportation requirements from a reliable ally and trading partner," according to a 28-page "national interest determination" signed by Deputy Secretary of State James Steinberg.

That wasn't all. A massive surge in imports from the oil sands was envisioned. The State Department document cited the U.S. Energy Information Agency's projection that "American oil needs" would require imports from Canada, chiefly from the oil sands, nearly to triple over the next two decades to 4.3 million barrels per day, dwarfing imports from the Middle East and elsewhere.

State officials took into account concerns about greenhouse gas emissions but concluded they "do not outweigh the benefits" to the national interest. Environmentalists were furious. The National Wildlife Federation, the Sierra Club, and other groups filed suit to block the permit for the new pipeline.

There's another looming threat to oil sands imports. In 2007, Democratic representative Henry Waxman won passage of an amendment barring the federal government—mainly the Defense Department—from purchasing fuel that has a bigger carbon impact than energy from conventional sources. Waxman wasn't targeting the oil sands, but the measure would affect them.

Oil would have to meet the low-carbon "life cycle standard" of the Environmental Protection Agency (EPA). But EPA hasn't issued such a standard and isn't expected to anytime soon. Meanwhile, a Senate committee voted out a bill last June to treat the oil sands as a conventional source. That bill's future is unclear. So the fight goes on.

But two factors make imports from the oil sands difficult to stop or significantly curb. One is national security, the other America's deep ties to Canada. For now anyway, both are stronger than any environmental interest.

The "national interest" referred to by the State Department in approving the new pipeline is roughly synonymous with "national security." The more the United States can rely on an ally and neighbor for oil, the greater the country's security. "These attacks on the oil sands are attacks on America's national security," an oil expert told me.

"The oil sands have to be seen in the larger context of energy security and Canadian-American relations," said CERA chairman Daniel Yergin. "The oil sands are part of the interdependence of our two countries." Blocking oil sands imports would disrupt relations between the United States and Canada as never before and shatter that interdependence with America's biggest trading partner.

The Obama administration appears to recognize this. When the new ambassador to Canada, Chicago lawyer David Jacobson, toured the oil sands last week, he said Canada is "a pillar of the energy independence and energy security of the United States." And he noted "an enormous amount of progress . . . on air and water and land environmental issues with respect to the oil sands."

Obama didn't say as much in the meeting with Prime Minister Harper in September. Environmentalists clamored for him to raise questions about the oil sands. But "we're not at that level yet in terms of policy discussions," a Canadian official told me. In other words, the issue of the oil sands never came up. ♦

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The Nobel-Hollywood Complex Implodes

Polanski, Letterman, and the Norwegians make conservatives' day

By Noemie Emery

Three times in the past several weeks, fortune has seemed to beam on conservatives, in unexpected and unprompted ways. Not that they've won much, but their tormentors keep losing. Three days in fall 2009 damaged or neutralized three liberal institutions, whose powers have now been curtailed.

Break number one came on September 26, when Roman Polanski, on his way to collect a lifetime achievement award from the Zurich Film Festival, was intercepted by Swiss police and tossed into prison, pending extradition to the United States, which he had fled 30 years earlier to avoid a jail sentence for drugging and raping a girl of 13 (a crime he had pleaded down to unlawful sex with a minor). This outrage—the arrest, not the rape—stunned the global artistic community, which quickly drew up a petition in protest, signed by *la crème de la crème* of stage and screen, including Salman Rushdie, Mike Nichols (Mr. Diane Sawyer), Martin Scorsese, Isabelle Huppert, Diane von Furstenberg (Mrs. Barry Diller), and Woody Allen, famous for having married his former flame's daughter, whom he seduced when she was still in her teens. The excuses were many, and flew very fast. Whoopi Goldberg exonerated the French-Polish director on the grounds that it wasn't "rape-rape" and thus not important. French sage Bernard-Henri Lévy, who organized a petition of support, called it a "youthful indiscretion" (Polanski was 43 at the time). Debra Winger, the Zurich festival's president, called the arrest "philistine collusion" with puritanical America and typical of the persecutions that beset artists everywhere.

Roman Polanski

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In defending their friend, the points made by his allies amounted to these: (1) The crime wasn't that bad; (2) it was bad, but it was so long ago that it no longer mattered; (3) Polanski had suffered already: Family members had died in concentration camps, and his wife and unborn child were murdered; and (4) it might have mattered if it had been done by a lesser creative talent, but middle-class standards of law and of morals do not apply to *artistes* such as he. Their attitude was prefigured by Tom Shales of the *Washington Post* in a sympathetic June 9, 2008, review of a sympathetic HBO documentary, *Roman Polanski: Wanted and Desired*: "Polanski belongs to a rarefied subculture: celebrities hounded by the state."

In the same vein Harvey Weinstein, the Miramax mogul, said Polanski deserved to be cleared of all charges, as he so deeply cared for "art and its place in the world." But on a sliding scale (assuming one accepts this warped logic), if *King Lear* and the Sistine Chapel ceiling should get their creators cleared of grand larceny, filming *Frantic* and *Chinatown* might be worth leniency on a parking infraction. And if making *Ghost* (Whoopi Goldberg) and *Legal Eagles* (Debra Winger), or inventing the wrap dress (Diane von Furstenberg) conveys moral authority, so does teaching an art class, writing a legal brief, and mopping floors. But not to worry, this crowd does have morals, if it does says so itself. "Hollywood has the best moral compass, because it has compassion," said Weinstein, which means that it sometimes writes checks to a really posh charity, while mere human beings are often disposable. Katha Pollitt, speaking for the non-pedophile left at the *Nation*, pronounced herself enraged at "superstars who go on and on about human dignity and human rights [and] don't see what Polanski did as rape, or don't care." She wasn't alone. "The brutalization of one young girl," said the *Washington Post*'s Eugene Robinson "leaves Hollywood's big heart awfully cold." It's a good sign when not all on the left buy into this sort of rubbish.

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The second break came on the night of October 1. David Letterman started off his opening monologue not with some straying governor's problem, but with a problem much closer to home. As he told his audience (which laughed and clapped, as it thought he was joking), he had played around with a great many women who were in his employ, and a CBS news producer had tried to extort him, threatening to go public with numerous scandals unless paid $2 million. Among the details which surfaced quite quickly: Dave and the producer had been sharing a woman, which made this affair slightly more creepy than that of Governor Mark Sanford of South Carolina, though less so than those of John Edwards and former governors Jim McGreevey of New Jersey and Eliot Spitzer of New York.

Nonetheless, Tom Shales was there again to offer solace: "One of the many sad things," he lamented, was that now Letterman would be "lumped in with other sexually misbehaving celebrities, even though he stands head and heart above most of them." Though not an *artiste* on the scale of Polanski, Letterman was artist enough that he should still be allowed to lampoon political figures whose transgressions were no worse than his was, not to mention being free to slime other politicians with no transgressions whatever, such as when he had called Sarah Palin "slutty" and joked that her 14-year-old daughter had been "knocked up." Palin deserved it, Shales explained, as she was a "two bit politician." It's how Letterman shows his great heart.

David Letterman

Later that day, Shales was called out on his own paper's website by a reader who perfectly understood the code of the celebrity class and its coat-holders like Shales: "Polanski rapes and sodomizes a drugged 13-year-old and you write a flattering article that falsely understates his crime," said the reader. "Letterman makes a joke about the statutory rape of the daughter of a conservative politician and you call the joke inartfully phrased, but otherwise fine; Letterman admits to affairs with subordinate employees and you state it's alright." Shales denied all the charges, as he tried to shift the blame to Polanski's young victim. "In Hollywood I am not sure a 13-year-old is really a 13-year-old," he said, as clueless as Weinstein and Winger. A 13-year-old here, and a 14-year-old there, what could be the problem? "No wonder Middle America hates them," Pollitt wrote of Polanski's defenders. "The widespread support for Polanski shows the liberal cultural elite at its preening fatuous worst."

Letterman will doubtless survive as a comic (and now as a punchline for other comedians), and Polanski's defenders will not lose jobs or money, but this is just part of the tale. Hollywood and the late-night comedians have been sizable assets for Democrats, and their clout is now diminished. Letterman was not just an entertainer, but a political force, who judged politicians, pressed them on issues, and controlled their access to a fairly large audience. Candidates launched campaigns on Letterman's program. Barack Obama went on his show a few weeks ago to try to revive his stalled health care agenda; it was political news when Letterman threw a tantrum because John McCain cancelled an appearance on his program during the financial implosion last fall. But politicians do not count creeps as their buddies, at least not in public: The McCains and Obamas will no longer seek Letterman out. He has lost his power to help—or to hurt—politicians, and lost the ability to joke about their failings without having the joke be on him. In the past year, as Howard Kurtz said, "Letterman has been more openly political, and tilted more to the left," so this is good news for the other persuasion. Sarah Palin has her revenge for the snotty remarks of last summer. Dave the comic may survive or even flourish, but Dave as a pol is kaputt.

Hollywood as a political force is hardly dead, but the Polanski affair wounded it. In particular, anyone who spoke for Polanski or signed the petition supporting him has neutralized himself as a political player, as someone who can hold, host, or perhaps even go to a fundraiser, or perhaps even stand next to a candidate without doing damage to his prospects. On October 7, *Politico* reported that signers of the Polanski petition gave $34,000 in 2008 to groups backing Obama, that Harvey Weinstein gave $28,500 in 2008 to the White House Victory Fund that supported Obama (and $88,000 over the years to Hillary Clinton), and that six others gave contributions totaling $15,500 to Obama. Contributions in future campaigns will receive the same scrutiny. This may be somewhat unfair, as all politicians and parties are backed by unsavory people, but guilt-by-association is a time-honored tactic, and politicians are often asked to explain their supporters. Can we say chilling effect?

In general, Hollywood and the Democrats have been welded together for years. Warren Beatty and friends bankrolled and befriended George McGovern and then Gary Hart. Debra Winger campaigned in 1988 for Dukakis, saying the elder George Bush was her "nightmare." Hollywood fell hard for Bill and Hillary Clinton and in 2004 turned out

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in force for John Kerry, who picked up almost $50 million there, and was seldom without a phalanx of film stars as he stumped throughout the campaign. As the *Wall Street Journal*'s Daniel Henninger noted,

> The most talked-about party at the Democratic Convention was the one thrown by the Creative Coalition, featuring the kind of people one normally reads about at the supermarket. The most talked-about Democratic fundraiser before the convention was at Radio City Music Hall, featuring Whoopi Goldberg. . . . The world of celebrity and the world of the Democratic Party are now joined at the hip.

Even five years ago, this could be an embarrassment, as when Whoopi Goldberg grabbed her crotch while making a joke on the president's surname, which got her dropped as a spokesman for Slim-Fast, and let Bush mock Kerry for a statement he had issued to be read to the audience, saying that the arts community spoke for the best in the national character. Few now think that the "arts community" has any moral compass at all.

"Doing Letterman again won't help," *Newsweek*'s Howard Fineman warned Obama on September 26, after Obama had gone on the show and failed to move poll numbers. That was the same day Polanski's arrest set off the celebrity self-immolation. Letterman—and possibly Hollywood—cannot help anyone now. "Could it be that the conservative culture warriors who portray Hollywood as a cesspool of moral bankruptcy have been right all along?" asked Eugene Robinson. If the *Washington Post*'s most liberal columnist thinks this, so do millions of others, and even 70 percent of the French were against Polanski. CBS has hired an investigator to look into the Letterman charges. If this and the Polanski affair lead to long, sordid trials, matters can only get worse.

For years—even more so since 2002, when the Nobel Peace Prize committee smiled on ex-President Carter (as a slap at George Bush, it freely admitted)—conservatives have longed in vain to see the Norwegian parliamentarians exposed as a gaggle of partisans. It only got worse when the committee gave its prize in 2005 to Mohamed ElBaradei, the anti-U.S., pro-Iran U.N. arms inspector, and in 2007 to Al Gore, who had lost to Bush in 2000 in an exceedingly close and contentious election and railed against him ever since as a warmongering liar, and worse. Conservatives struggled for years but failed to gain traction with their critiques. So picture their glee on the morning of October 9 when they awoke to discover that the committee had contrived to discredit itself. In its ultimate slap at George Bush (who is no longer in office, but why should this stop them?), it had given the peace prize to Barack Obama for doing not much of anything beyond setting a new "tone."

It certainly set a new tone in the response to the Nobel committee itself. Reporters gasped when they heard the announcement. Bloggers thought they had clicked by mistake on satire sites like the Onion and Scrappleface. "This is ridiculous—embarrassing even," said Ruth Marcus of the *Washington Post*. "Ridiculous," echoed *Mother Jones*'s Kevin Drum. "Folks across the spectrum are asking, 'what has he done?'" wrote Tom Bevan of *Real Clear Politics*, and many of the most appalled and scalding of comments would come from the left. "This is so far out of nowhere that it could be almost embarrassing," said the *Guardian*'s Michael Tomasky. Even the *Huffington Post* couldn't stand it: "It is enormously premature . . . [and] to a certain extent cheapens the prior recipients," opined one of its contributors. Aside from the bad taste, the timing was terrible, as Obamania had started to fade in America, (his approval ratings were stuck around 50 percent), and a meme had been born that he was failing to meet expectations. The prize, as *Politico* noted, felt like "a breathless fan letter from the European elite."

And some in that elite weren't buying it either. "While it is OK to give school children prizes for 'effort' . . . statesmen should probably be held to a higher standard," wrote the *Financial Times*'s Gideon Rachman. "It might have been wiser to hold judgment," said the *Economist*. At the *Times* of London, Michael Binyon declared that "the prize risks looking preposterous in its claims, patronizing in its intentions, and demeaning in its attempt to build up a man who has barely begun his period in office. . . . Rarely has an award had such an obvious political and partisan intent."

Back in America, the *Los Angeles Times* said that the committee's award had embarrassed Obama and diminished its own credibility. "I like Barack Obama as much as the next liberal, but this is a farce," said Peter Beinart in Tina Brown's *Daily Beast*. "Let's hope the Nobel Committee's decision meets with such a deafening chorus of chortles and jeers that it never does something this stupid again."

It may or may not, but it no longer matters, as it is clear that the jig is up. For decades, the peace prize committee has seemed to speak with the voice of humanity, or of the world community, or of the Almighty, but it is clear now that it speaks with the voice of five more or less insular nitwits, of great self-regard and no great distinction, too clueless and tone-deaf to sense how their choice would be seen. Like the culture elites defending Polanski and Letterman, they have no sense of irony, much less of perspective or rectitude.

If there were a Nobel Prize for shark-jumping, these people would share it: They have proved themselves more inane than their critics imagined. With friends such as these, the left hardly needs enemies. And with enemies such as these, the right may not really need friends. ♦

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Good Queen Mary

Another look at the misunderstood Tudor monarch

BY **J.J. SCARISBRICK**

Mary Tudor, ca. 1553, by Anthonis Mor

HULTON ARCHIVE / GETTY IMAGES

'Sterility was the keynote of her reign," thundered A.F. Pollard, doyen of Tudor historians in the interwar years, when passing judgment on the brief reign of Mary I, Roman Catholic daughter of Henry VIII and half-sister of Elizabeth I. In Pollard's convenient Whig/Protestant (or, at any rate, anti-Catholic) view, Mary was simply a half-Spanish bigot, her marriage to Philip II of Spain as politically inept as it was barren, her government confused and amateurish, her attempt to undo the "inevitable" Reformation and restore the old Catholic order doomed to fail, her right-hand man in attempting this, Reginald Cardinal Pole, an anachronistic fumbler.

Above all, Mary's brutal persecution of her Protestant subjects damned her cause forever, not least because it was to be famously recorded by the martyrologist John Foxe in his *Acts and Monuments*, a book which was to be found on most English gentlemen's bookshelves, and burnt anti-popery deeply into the English psyche. Indeed, that book was a grandiose piece of historical theology claiming to trace a bloody struggle between truth and Antichrist down the centuries, portraying Mary's violence as the last fling of the forces of darkness and proclaiming England's manifest destiny to lead the way to the universal triumph of the Protestant cause.

For Foxe, as for many of his coreligionists, that Mary and Pole should have died suddenly on the same day, and that their abominable campaign should thus have been brought to a sudden halt just when it seemed to be invincible, was final proof that God is a Protestant. For Catholics, those deaths, which brought about the accession of the Protestant Elizabeth and the swift

Fires of Faith
Catholic England under Mary Tudor
by Eamon Duffy
Yale, 280 pp., $28.50

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overturning of Mary's religious policies, were a baffling disaster.

In recent decades, much of what the likes of Pollard regarded as virtually self-evident has been severely challenged. Probably no part of English history has been so thoroughly revised as Mary's reign. The queen, we must now agree, was both courageous and widely popular. Her marriage made much political and economic sense. Her husband conducted himself very circumspectly. All princes, Catholic and Protestant, persecuted religious dissenters in the 16th century—and for long afterwards—and most of their subjects would have found the idea of religious toleration, i.e., religious pluralism, unthinkable.

True, Mary's persecution was more bloody than any before or since in English history, but it claimed far fewer victims than did religious bigotry in other parts of Europe and was acceptable to most of the queen's subjects. Pole was no fool and nor were Mary's councillors. The latter included seasoned servants of the crown who had been tested for their loyalty to Mary and the Church during the reigns of Henry VIII and his son and were well equipped to meet the day-to-day political demands of the new reign.

Then consider the challenges Pole faced. We may be familiar with the story of the suppression of hundreds of England's religious houses, chantries, and religious guilds between 1536 and 1553, and the dispersal of their buildings and lands via the crown into the all-too-eager hands of the possessing classes. What is less well known is how, by 1553, Henry and his son bled what remained of the English Church. Bishops and cathedral chapters had had their landed possessions relentlessly pilfered, they and all parish clergy had been heavily taxed, cathedrals and parish churches had been stripped of all their Catholic vestments, bells, and other "gear"—so much so that Mary had to lend a mitre to one of her new Catholic bishops when he was installed in his impoverished see.

Mary quickly relieved the surviving Church of its heavy burden of royal taxation and started to help English monastic life and religious guilds to revive. But Pole still faced more than economic problems. Where and how to refurbish the parish churches with missals, vestments, and church plate, for example? Perhaps even worse, many parish clergy who had been validly ordained by Catholic bishops had taken advantage of the abolition of clerical celibacy during the Protestant Edward VI's reign to marry. Many other parish clergy were invalidly ordained (because ordained under the Protestant Ordinal of 1550) but, if they had acquired a wife, were validly married.

How, then, to distinguish between those who were validly ordained Catholic priests who had acquired "concubines" (but could continue to act as Catholic priests if they put away their "wives" and did penance) from those validly ordained who refused to put away their wives? And again, how to distinguish between those who had been validly married (because not authentically ordained Catholic priests) but were to be ejected from their livings because they would not renounce their Protestant leanings, and those unmarried ex-Protestant clerics who, for whatever reason, righteous or otherwise, had seen the light and wanted to be ordained (not reordained) as Catholic priests?

Sifting out such complex personal canonical problems required enormous patience. Pole had embarked on this promptly and efficiently, with Rome's guidance.

When Mary ascended the throne in 1553, England was still a largely Catholic country (even if much of its Catholicism was on the defensive and residual) and English Protestants still a small (and increasingly divided) minority. There was, therefore, no intrinsic reason why there could not have been as successful a Catholic recovery in England as there was later in many other parts of Europe. What Mary and Pole needed was time—and that was denied them. They were carried out of this life within a few hours of each other on November 17, 1558. That is why England is not a Catholic country today, one could argue, and why one recent historian (who has no religious axe to grind) has written that the only mistake that Mary made was to die.

And now the learned, astonishingly productive Eamon Duffy has joined the fray, revising the revisionists upwards—dramatically. In this powerful, punchy book he argues that the Marian restoration of English Catholicism was much more than the rather low-profile and sometimes timid attempt to return to the past which even the recent revisionists have portrayed. No, says Duffy (and I must now agree), it was a full-blooded attempt to introduce into England the "new" Catholicism of the fledgling Counter-Reformation.

It was deeply inspired by the Council of Trent—still in progress—and even helped to inspire it. It had all the hallmarks of vibrant Counter-Reformation Catholicism: a truly pastoral, preaching episcopate (and Duffy is especially indignant about recent historians who have accused Mary's bishops of neglecting the pulpit); skilled use of the printing press for catechetical purposes; hearty loyalty to Rome; a strong emphasis on affective spirituality and Eucharistic devotion (the latter exemplified by replacing the small pyx hanging from roof or wall by the tabernacle on the high altar); proud promotion of "genuine" martyrs like Thomas More and John Fisher (Nicholas Harpsfield's biography of More, Duffy argues brilliantly, being a perfect apologia for the Marian regime).

Pole saw, as did Trent eventually, the urgent need for what we know as seminaries—for the better formation of the rank-and-file clergy. Duffy suggests that the cardinal even planned to turn the English hospice in Rome into one—thus anticipating by some 25 years the opening of the Venerabile, the English seminary in the Eternal City. Indeed, in Duffy's view, Pole showed extraordinary pastoral vision, energy, and sensitivity; and, given the immensity and complexity of the task which had faced him, he was remarkably successful.

I confess that I think Duffy is right.

And what of the infamous Marian persecution? 284 people, including 58

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women, were brutally put to death by burning in four or so years. Perhaps some 30 more died in prison. Many more were flushed out by royal and episcopal commissions and interrogated. Several hundred fled to mainland Europe; others went into hiding at home.

Of course, this appalls us today. But we must not impute modern sensibilities to our 16th-century ancestors. Death was then the penalty for many crimes—even petty ones. Some of Mary's victims were members of radical "left-wing" Protestant sects which her father and half-brother had had no hesitation in persecuting before her. Mary's burnings were usually carefully orchestrated and attracted large numbers of spectators. Some of these (Protestant sympathizers) went to be edified and to encourage the victims; others (Catholics) went to shout derision and mock; many went for entertainment. There is little evidence, Duffy points out, of people being shocked or of growing revulsion towards these horrible Christian pogroms. Rather, since the persecution peaked in 1557 and declined thereafter, it is at least arguable that it was proving successful.

Finally, we must remember that Mary and Pole—and many others—were convinced that Protestantism was the mother of sedition, social disruption, and even treason. After all, had not the outrageous attempt to deny Mary the throne (the Lady Jane Grey plot) been a thoroughly Protestant one? Was not Wyatt's rebellion early in her reign inspired by anti-Catholicism? Were there not numerous examples of individual Protestants disturbing the peace in towns and villages? Were not Protestants who had fled to safety abroad screaming at their coreligionists at home to resist the wicked Jezebel? Mary could reasonably believe that a good Protestant could not be a loyal subject—as, later, Elizabeth claimed that a good Catholic could not be a true Englishman.

The death of Thomas Cranmer (1556) in Foxe's 'Book of Martyrs'

Pole, Duffy insists, fully approved of and promoted the persecution. Mary and her Privy Council did likewise, even encouraging reluctant bishops. Nonetheless, the latter often went to extraordinary lengths to secure recantations (one bishop even entertained a dissenter to dinner) and were often successful. Especially if the "heretic" was someone of substance, assent to some vague, even quite ambiguous, formula would suffice to earn discharge—because of the propaganda value of the "conversion." But bishops' eagerness to secure recantations (however insincere), and their reluctance to send fellow humans to the funeral pyre, were born not of humanitarianism or squeamishness but, as Duffy chillingly reminds, of the conviction that they were thereby saving people from the inevitable punishment that awaited the unrepentant heretic, namely Hell's fire.

All this is engrossing. It would cause an A.F. Pollard not merely to turn in his grave but to implode. Yet for me, the most exciting part is still to come—in the last chapter, a mere 19 pages, where, having reminded us of how thoroughly not only the episcopate but also the higher echelons of the clergy (e.g., cathedral chapters) and the universities, especially Oxford, had been re-Catholicized, Duffy goes on to show how many of those who fled (or were ousted) when England returned to the Protestant fold on Elizabeth's accession played a conspicuous role in advancing the Counter-Reformation on the Continent.

The Marian diaspora (which I think has never before been fully appreciated) produced men like Thomas Stapleton (one of the greatest Catholic theologians of the century) ensconced in Louvain with distinguished fellow-refugees, William Allen founding the first full-blown Counter-Reformation seminary in Douai in 1568, Harpsfield and Nicholas Sander producing a stream of polemical writings.

The Marians brought Pole's vision of the importance of seminaries to the last sessions of Trent. Later on, Charles Borromeo, faced in Milan with a situation similar to that which Pole had confronted in England, took inspiration from the latter's legatine program. And so on. Mary not only rescued English Catholicism and enabled it to survive decades of persecution; what happened in England between 1553 and 1558 was a prototype of the Catholic Reform which would later win back much of Germany, Poland, and the Habsburg lands.

Heady, brilliant stuff. Once again, Eamon Duffy has changed the landscape of English Reformation history. But I have two comments. Several of the most important points that he makes—the high quality of Mary's bishops and the important role of

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laymen, justices of the peace, sheriffs, mayors, and the like in pursuing Protestant dissenters—were made by Philip Hughes in his *Reformation in England* over 50 years ago. That courageous, if uneven, work was at its best when dealing with Mary's religious policies. Indeed, here was the real beginning of that radical revision which Duffy has brought to a climax. But Duffy makes no mention of its author.

Second, while accepting all that he says about the Marian persecution, I wonder if there is not a crucial point still to be made. It is this: In 1553, when Mary came to the throne, English Protestantism was not only divided but also badly demoralized—because besmirched by the sleaze and political scandal of the previous reign (especially the Lady Jane Grey plot) and by that godless plunder and feathering of nests which had made a mockery of the promises and hopes that the huge wealth which the crown had seized from the Church would be used to succor the poor, and build schools, hospitals and roads, etc. Mary's persecution allowed someone like Thomas Cranmer, former archbishop of Canterbury, to make amends for years of disgraceful time-serving with a heroic death. He was deeply implicated in the Lady Jane plot and therefore clearly guilty of treason. Mary should have hanged him as a traitor; her father and half-sister would not have hesitated to do so. Instead, she made him a martyr.

That was bad enough. But there was much worse to come. Many of those who went to the stake like Cranmer were "little" people—weavers, tanners, husbandmen, and the like—some of whom were semiliterate. They were far removed, socially, from the lofty heights of an archbishop and, unlike him, had never faltered. Their constancy and fortitude as they went to their horrible deaths (often singing psalms and praising the Lord) did something profoundly important for English Protestantism. It gave it back its self-respect.

Mary rescued English Catholicism. She did much to rescue English Protestantism, too. And Eamon Duffy has produced another dazzling book. ♦

B&A

Laughter in Red

Humor as a weapon against Soviet Communism.

BY THOMAS SWICK

The Soviet Union and its satellites were famous for shortages, but there was rarely any shortage of jokes, a commodity for which they were equally celebrated. People made fun of their leaders, the system, the propaganda, the police.

Why do the police always travel in threes? To have one who can read, one who can write, and one to keep his eye on the two intellectuals.

Hammer and Tickle
The Story of Communism, a Political System Almost Laughed Out of Existence
by Ben Lewis
Pegasus, 368 pp., $26.95

The wit was quick, defiant, prodigious, heroic. No "someday we'll look back at this and laugh" for the Russians and Eastern Europeans; they laughed while in the throes of pain; they spit (literally, if the joke was good and they'd just sipped some tea) in the face of ideology.

And the worse the crisis, the greater the humor. Martial law, imposed in Poland in December 1981, brought arrests, tanks in the streets, anchormen in military attire, and a relentless salvo of jokes.

What is the lowest rank in the army? Television commentator.

I was teaching English in Warsaw at the time, and one bitterly cold day after the crackdown I went to visit a former colleague. His daughter's hamster sat in its cage in the cramped living room. "He's getting big," I remarked. "Yeah," Krzysztof said with a grin, "he'll be meat for the winter." Humor was, as Jerry Seinfeld once commented with regard to New York City, "in the air."

Humor, of course, is the weapon of the weak, but Ben Lewis, a young British writer, had heard that it was the cudgel that brought down Communism. He was dubious, but so enamored with what he calls "the Communist joke" that he traveled widely through erstwhile Iron Curtain countries in a dogged attempt to find the proof. It was in many ways a fool's errand, but it has produced an engaging, learned, and unsurprisingly funny book.

Early on Lewis notes: "Communism is the only political system to have created its own international brand of comedy." It is one of those insightfully obvious, now-that-you-think-about-it observations that nearly undermines his mission. For whatever role the jokes played in Communism's downfall, the very fact that the system was a laughingstock suggests fatal flaws.

But the search for evidence gives the book a narrative in addition to that of the rise and fall of Communism, which is told deftly, often through jokes. There is also the hint of a personal story, as the author's humorless girlfriend, an artist born in East Germany, makes brief, usually jarring, and always moody, appearances. (Though her final scene gives the ending an almost Hollywood gloss.)

To tell the tale of the Communist joke, Lewis goes back to the Russian Revolution (actually, before that event, showing how many later jokes about Stalin were recycled jokes about the czar). It took a while for *anekdoty* to flourish, in part because the system was new, and also because censorship was not fully in place and humor was still appearing in print. With writers like Mikhail Bulgakov, the 1920s were, according to Lewis, "the golden age of Soviet satire."

Thomas Swick is the author of Unquiet Days: At Home in Poland *and, more recently,* A Way to See the World: From Texas to Transylvania with a Maverick Traveler.

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Still, nascent jokesmiths were already at it:

An old peasant woman is visiting Moscow Zoo, when she sets eyes on a camel for the first time. "Oh my God," she says, "look what the Bolsheviks have done to that horse."

If jokes are by nature anonymous ("No one was ever present at the birth of a joke," the Czech playwright Karel Capek is quoted here as saying), the Communist joke was, for obvious reasons, even more so. Yet Lewis singles out Karl Radek, adviser to Lenin and a Comintern star, as one of its inventors. He is the man credited with coming up with perhaps the most famous—Lewis calls it "the most definitive"—joke of the era.

What is the definition of capitalism? The exploitation of man by man. And what is the definition of Communism? The exact opposite.

Adding to its genius is the fact that by simply reversing the order you change the focus of the punch line. It is the perfect, dual-purpose, adjustable joke.

Lewis notes that while most political jokes are directed at others—different classes and ethnic groups—Communist jokes were about the people who told them. And they had, he writes, "a new tone . . . dry and cynical, usually pithy (short enough to be whispered quickly) and pitiless."

Who discovered the electric razor? It was discovered by Ivan Petrovich Sidorov . . . in the dustbin behind the American embassy.

Some Russians were sent to camps for telling jokes, and there were jokes about being sent to camps. (Though few jokes were told in the camps.)

A new convict arrived at a prison camp. The inmates began questioning him about the length of his sentence.

"Twenty-five years," replied the newcomer.

"What for?"

"Nothing. Didn't do a thing; I'm innocent."

"Don't give us that story. The innocent only get five years."

In the 1940s, the Soviet Union expanded its sphere of influence and Communist humor became multilingual.

> After the war, different national traditions of humor from Central and Eastern Europe came together and enriched the Communist joke, which already benefited from the culture of Jewish humor and the Russian *anekdot*. The result was the emergence of a new breed of super-jokes, perhaps the best that had ever existed in history.

The Soviet Bloc as Comedy Central.

The Berlin Wall, constructed in 1961, inspired more jokes, but only in the East. Which is probably not surprising, considering that there it went by the risible name of the "Anti-Fascist Protection Wall."

In Halle, Lewis meets with two former student comics, Ernst Röhl and Peter Sodann, who believed in the German Democratic Republic (the name itself a kind of bad joke) and thought that, through humor, they could provide constructive criticism. They are among a number of fascinating characters the author exhumes—fruits of his exhaustive look at Communist humor in all its forms (satire, cabaret, cartoon, etc.)—and they show that there was more going on than just a series of jokes (however clever and subversive) being circulated among a beleaguered citizenry. Lewis does everyone a service in telling their stories, which give the much-ballyhooed human face to what could have been simply a joke anthology.

Further elevating the book is his analysis, which is scholarly but not dense, and usually astute, though his sympathy for the German comics, and their continuing sympathy for the regime, lead him to reflect on the tragic quality of the jokes: "Behind the contempt, frustration, and fear lay a note of attraction and forgiveness. However awful Communism was, the ideals and goals behind it never lost their allure."

That may have been true for Röhl and Sodann, but not for millions of unwilling subjects. As the unheralded comedy writer Josef Stalin once said (in a quote not included here): "Communism fits Poland like a saddle fits a cow."

The Communist joke reached its apotheosis, Lewis writes, in the 1960s. And to prove it he tells a day-in-the-life story entirely through jokes.

Less than a half-century after the revolution, there was no aspect of life under Communism that wasn't ripe for ridicule. A system that promised cradle-to-grave security now delivered absurdity.

But do you know, I'm getting so absent-minded: I left the house today, I shut the front door and looked at the empty bag in my hand and for a moment I couldn't remember if I was about to go shopping, or if I had just come back.

Buying fruit in Moscow, 1965

BETTMANN / CORBIS

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Not everyone was amused, or is amused today, as Lewis discovers when he attends a meeting of the Janos Kadar Appreciation Society and spouts jokes about the former Hungarian leader. He has a much more successful visit in Bucharest with Calin Bogdan Stefanescu, "the world's only statistician of Communist jokes." His Trabi jokes fall flat at a rally of Trabant owners in Zwickau. And he gets a cool reception from Lech Walesa when he asks the former Polish president and solidarity leader what would happen if Communism were introduced to Saudi Arabia. (There would be a shortage of sand.)

Walesa takes himself far too seriously these days, but his impatience signifies something else, which Lewis addresses. Orwell may have claimed that "every joke is a tiny revolution," but jokes don't prosper during moments of revolt. The act of insurgency calls for courage and earnestness; cynicism and derision belong to the helpless observers of history.

"I was slowly coming to the conclusion," Lewis writes, "that, as the people of the Soviet Bloc rose up, they cast aside not only their chains but their jokes as well."

But what a waggish legacy they left behind. The jokes, according to Lewis, "are proof that they weren't simply lost years. They are evidence that some kind of soul came out of that era, and that [the people who suffered under Communism] have something that we in the West never had and will never have. Jokes were eastern Europe's jazz, the music of the oppressed."

I would change "jazz" to "blues." And I would add that, while many of the jokes are now dated, some remain timeless.

Brezhnev dies and winds up in Hell. The devil tells him he can choose his torture.

Walking along, he sees Hitler bathing in a tub of boiling oil and Stalin stretched out on a rack. Then he sees Khrushchev sitting with Brigitte Bardot on his lap.

"I want the same torture as Khrushchev," he tells the devil.

"That's not his torture," the devil says. "It's hers." ♦

B&A

Reagan in Retrospect

Recapturing the 'counterrevolution'—now three decades old. **BY VINCENT J. CANNATO**

What Would Reagan Do? That is the question many conservatives have been asking recently. In a sign of the times, that phrase even has its own page on Facebook with over 3,800 fans. It is a reaction to the unpopularity of the presidency of George W. Bush and the widespread feeling that both his administration and the formerly Republican-led Congress had betrayed the conservative ideals of the Reagan Revolution.

The Age of Reagan
The Conservative Counterrevolution, 1980-1989
by Steven F. Hayward
Crown Forum, 768 pp., $35

It is also a natural question because we have been riding a recent wave of Reagan revivalism among historians and journalists. The publication of Reagan's diaries, letters, speeches, and radio commentaries has shown not a disengaged, dimwitted actor working off a script, but a man deeply engaged in the issues of his time. Books by nonconservatives such as John Patrick Diggins, Sean Wilentz, and James Mann have also given Reagan his due. In the most recent presidential leadership survey of historians by C-SPAN, Reagan ranks tenth, just ahead of Lyndon Johnson and just behind Woodrow Wilson.

Now comes the second volume of Steven F. Hayward's portrait of Ronald Reagan. Hayward, a fellow at the American Enterprise Institute, has modeled his book after Arthur M. Schlesinger Jr.'s *Age of Roosevelt*, which helped cement FDR and the New Deal's reputation. Schlesinger made no bones about his liberalism. His hero was Franklin D. Roosevelt; Hayward is an unabashed conservative whose hero is Ronald Reagan. But he aims for a more balanced treatment than Schlesinger. In doing so, Hayward has produced a long, but lively, romp through Reagan's two presidential terms.

Hayward has a knack for understanding and interpreting Reagan the politician better than most who write about him, with the possible exception of Lou Cannon. Reagan's personality, though, still remains a bit of an enigma. This book is not about psychoanalysis. It is about politics, pure and simple. That is Hayward's greatest strength as a researcher and writer, and he wisely plays to it, although this approach is not without its problems. He has an ability to re-create the political debates of the time by relentlessly mining newspapers and magazines. *The Age of Reagan* will transport readers back to the contentious political fights of the 1980s.

Hayward reminds us that the 1980 election was actually a lot closer than people think. Despite an electoral college landslide, Reagan won only slightly more than 50 percent of the vote (in a three-way race) and much of his margin of victory was gained by late-breaking votes in the election's final days. Those who complain about the ugly tone of recent politics, or the tough criticism of Barack Obama, would do well to read Hayward's recounting of the bitter accusations hurled against Reagan. Just one example: The *Nation* warned after Reagan's inauguration that America had "embarked on a course so deeply reactionary, so negative and mean-spirited, so chauvinistic and self-deceptive that

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our times may soon rival the McCarthy era." Reagan's liberal opponents also threw around words like "Hitler," "fascism," and "Ku Klux Klan."

Still, the question arises: Do we need another Reagan biography now? Hayward's book is not based on any new research, although he does make use of the recently published Reagan diaries. One gets the sense that when Hayward began the project over a decade ago, he felt it necessary to put out a full-throated defense of Reagan from liberal critics who would seek to diminish his legacy. He even calls Reagan the "Rodney Dangerfield of modern American presidents." Reagan may deserve a bit more credit than he is currently getting from historians, but one can hardly say that he has been getting no respect.

There is a general consensus that Reagan's was an important and consequential presidency. Even Barack Obama agrees, stating during the presidential campaign, "I think Ronald Reagan changed the trajectory of America in a way that Richard Nixon did not and in a way that Bill Clinton did not. He put us on a fundamentally different path because the country was ready for it."

This makes Hayward's claim for a revisionist account of the Reagan years sound a bit off-key. "Revisionism" is a fighting word among historians: It implies a complete reversal in previous interpretations of the subject or, worse, a massaging of evidence to support a political agenda. To Hayward's credit, his book does neither of these things.

One way in which he seeks to differentiate his study from others is that he finds a "seamless quality to Reagan's domestic policy outlook and his Cold War grand strategy." That's an important insight into the conservative mind. To Reagan and other conservatives, the fight against the Soviet Union was a battle against totalitarianism, and the battle against the liberal welfare state was a fight against a soft form of totalitarianism, an increase in state power that would sap America's economic strength. Conservatives like Reagan saw the Soviet Union and the welfare state, each in its own way, as threats to individual freedom.

Since much of the recent Reagan revival has been based on his foreign policy, Hayward tries to give equal weight to Reagan's domestic agenda. In the end, though, the best sections of *The Age of Reagan* are still about foreign affairs, and the book is especially strong on Iran-Contra, arms control, and the Geneva and Reykjavik summits. Here Hayward presents a man engaged in the issues, who sees Mikhail Gorbachev as a new kind of leader, but who still holds onto the Strategic Defense Initiative and refuses to make vast concessions to a country he knows is weak and getting weaker. At the time, even many Republicans saw the summits as less than successful; but in retrospect, it is hard not to see that Reagan was playing the stronger hand, and he played it fairly well.

Ronald Reagan, 1986

NATIONAL ARCHIVES

Hayward also argues that Reagan's foreign policy during the Cold War was one of peace. In the recent reassessment of Reagan, many historians have divided his foreign policy into the "bad Reagan" of the Evil Empire speech and the "good Reagan" of the Gorbachev era. Instead, Hayward makes clear that Reagan was guided by a simple strategy throughout both his terms: "We win, they lose." The strategy for getting there might have changed, but the goal remained the same—although Hayward also portrays Reagan in his first term seeking conciliatory openings with Gorbachev's predecessors, including a somewhat maudlin missive to Leonid Brezhnev.

The Age of Reagan has its weaknesses. You don't have to be a cranky academic historian to want better citations. Too often I went to the back of the book to find the source of some quote missing from the endnotes. Another thing missing from the narrative is the savings-and-loan scandal. Hayward alerts his readers to the omission in an author's note, justifying the move by saying that the episode was "a diffuse and bipartisan fiasco." That is just not a good enough excuse for ignoring a significant event with relevance to our own recent financial crisis.

A broader problem has to do with the title. As good as the book is on the politics and policies of the Reagan administration, it tells us little about what life was like in "the age of Reagan." Hayward gives us a good old-fashioned political history—the kind still frowned upon in academia—but to really pull it off you have to be able to meld that story with larger social, cultural, and economic trends.

This is important because social and cultural issues were an essential part of Reagan's political appeal, and here his legacy is most ambiguous. The excesses of the 1960s and '70s were curbed, but many of the social trends of those times became mainstream in the 1980s, including feminism, environmentalism, and multiculturalism, as well as the gay rights movement, which gained strength during the AIDS crisis.

Reagan hoped to unite a badly divided country; but instead the 1980s saw a continuing fragmentation of the nation's culture. Market segmentation sliced and diced the American public along the lines of class, ethnicity, and race. Evangelical Christianity continued its resurgence among some Americans while at the same time secularism continued its march. Reagan wanted to restore the prestige of the presidency and Americans' pride in their country, but we have not come close to restoring pre-Watergate levels of trust in government, business, or any other large American institution (with the possible exception of the military).

The Reagan Revolution was also a

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victim of some of its successes. Its economic policies helped create a larger, more socially liberal, upper-middle class that trends Democratic, while globalization, free trade, and deindustrialization have hurt socially conservative Reagan Democrats.

These trends neither diminish nor add to Reagan's historical legacy. Instead, they provide texture that helps explain a pivotal decade and presidency, a texture that is somewhat lacking here. Even still, Steven Hayward's book forces us to ask a few questions: What kind of president was Ronald Reagan? Was his presidency, as suggested in the subtitle, a conservative "counterrevolution"? And is it useful for today's conservatives to be asking themselves what Reagan would do?

On the first question, Reagan's presidency in some ways resembles *The Age of Reagan*. Both are impressive, but incomplete, achievements. Reagan helped shift the center of American politics a few, very important degrees to the right, and he helped build a more conservative Republican party. He helped rebuild the military, was unafraid to use American power in a post-Vietnam world, and successfully managed the end of the Cold War (although his policy toward the Middle East was much less successful). His economic policies helped to usher in a quarter-century of economic growth, interrupted by only two minor recessions. And though he could not cut the size of government, he managed to curb the growth of spending to a manageable proportion of the GDP.

Hayward notes that Reagan was more successful in his Cold War foreign policy than in rolling back the welfare state largely because the latter was a more difficult task. There was simply very little public enthusiasm for even moderate cuts in the federal government. The Reagan years highlighted an American psyche at war with itself: The American public wants low taxes, but it does not want to give up any government benefits and has shown little support for cuts in government spending at any level. That budget deficits would follow should come as no surprise.

In what is perhaps his wisest sentence, Hayward writes, "The Reagan experience should also be a meditation on the limitations of politics." Americans wanted the excesses of liberalism moderated, which they largely got, but the benefits of the welfare state had become too ingrained for conservatives to do much more than slow its growth. Add to this the fact that conservatives, temperamentally, do not make very good revolutionaries, and it becomes difficult to call the Reagan years a counterrevolution.

If anything, Republicans have more than come to terms with big government. Reagan brought us a new cabinet department (Veterans Affairs), George H.W. Bush brought us the Americans with Disabilities Act, and George W. Bush brought us the Department of Homeland Security, the Medicare prescription drug benefit, and the No Child Left Behind Act. Even in today's health care debate, Republicans have become the loudest voices against cuts in Medicare.

All of this makes asking what Reagan would do a tricky question. Ronald Reagan, like all politicians, was a creature of the unique economic, social, and political issues of his era. If conservatives want to engage in some Reagan nostalgia, they should remember the words of Lou Cannon, as quoted by Hayward: Reagan, Cannon wrote, "spoke to the future with the accents of the past." As conservatives continue to find their footing in the Obama years, they should take those words to heart.

With each passing year, Reagan further recedes from memory. College students today have no personal memory of the Reagan years. Steven Hayward, with a natural feel for both the politics of the era and the conservative mind, helps bring Reagan and his ideas alive. This is not the last word on the Reagan years, but as historians continue to tease out the complexities of one of the most significant presidencies of the 20th century, they will be wise to consult *The Age of Reagan.* ♦

B&A

Speaking Freely

The language of the Supreme Court on the subject of words. **BY KEVIN R. KOSAR**

As a schoolboy I had textbooks with photographs of the justices of the Supreme Court. In their black robes, they looked so very old and serious. What little information the books provided about these people stoked my reverence. They hailed from Harvard, Stanford, and other places far away from my hometown in Ohio, places populated with brilliant people who became the powerful people who appeared on the nightly news show that my mother and I watched—senators, diplomats, and the rest.

Eloquence and Reason
Creating a First Amendment Culture
by Robert L. Tsai
Yale, 216 pp., $45

Kevin R. Kosar is a writer in Washington.

Many nights I went to bed dreaming that one day, maybe, I could be a Supreme Court justice. I wanted to sit in one of the high-backed chairs on the dais as attorneys debated whether a particular statute offended the Law of the Land. I imagined myself at the center of terrific logical exchanges, parsing the precise language of the Constitution and analyzing the facts of a case. Ultimately, we the Court would come to a super-rational explanation that would irrefutably decide the matter for all time.

I understood that not every case had an easy answer. The Fourth Amendment forbids "unreasonable searches and seizures." But what constitutes

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a search? May the FBI use infrared technology to peer into a home without obtaining a warrant? And I knew that the Court had goofed on occasion, such as when it decided in *Dred Scott* v. *Sandford* (1857) that blacks were not citizens. Nonetheless, I had faith that the Court usually would divine the truth.

Neither my schools nor my local library carried the *United States Reports*, the repository of Court decisions, so I did not read any Supreme Court decisions until I reached college. When I did, I found many of them shocking. Instead of providing an exegesis and an application of the Constitution, justices were armchair-philosophizing about the nature of America and her system of governance.

When I read *Palko* v. *Connecticut* (1937), which featured a crook twice convicted in Connecticut for the same murders, I felt like digging up Justice Cardozo and barking at him, "What the devil is a 'scheme of ordered liberty' and where do you find such words in the Constitution?" With just a single course in philosophy under my belt, I could identify fallacies and slippery rhetorical maneuvers in opinions. The scales fell from my eyes.

Reading Robert Tsai's provocative *Eloquence and Reason*, I am reminded of the experience of losing my naïveté in things legal. Tsai, a professor at the American University law school, depicts how the Court has transformed the nature of the First Amendment by pouring new meanings into its words. In a mere century, the Court has made stunning alterations to the freedoms of speech, assembly, and religious exercise, and transmogrified the Amendment's prohibition against making a law "respecting an establishment of religion."

Tsai argues that the Court has been able to pull off this feat by employing stirring rhetoric and powerful metaphors. Thus, over the past century, it has likened the act of speaking in a public place (in Justice Holmes's words) to falsely shouting Fire! in a crowded theater, to lawful assembly in the grand tradition of democracy, and to the peddling of wares in a "marketplace of ideas." When one metaphor ceases to provide the desired results, the Court crafts a new one.

Stanley v. *Georgia* (1969) is a particularly colorful example of this phenomenon. Law enforcement agents raided the home of Robert Stanley, suspecting that this bookie was up to his old tricks. They found no gambling materials, but the police did discover some pornographic films. Stanley was arrested, tried, and convicted for violating a state statute forbidding the possession of "obscene matter."

The word 'speech' no longer means talking; it now includes actions, such as burning the American flag and peddling pornography via the Internet. Taking all this in, the average American might well wonder if the justices are making things up as they go.

After losing in Georgia's Supreme Court, Stanley appealed to the U.S. Supreme Court, complaining that Georgia's law violated his freedom of speech. *Prima facie*, the case looked like a sure loser for Stanley. The First Amendment reads:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Can anyone say, with a straight face, "Why yes, the denotations of the words 'freedom of speech' clearly encompass the possession of pornographic films"?

Well, the Court did. With the sexual revolution unfolding, Tsai writes, the justices decided to expand the meaning of freedom of speech: "Instead of openly acknowledging their desire to be culturally responsive, the Justices refashioned doctrinal rules . . . to account for social change." Tapping into popular anxiety over Soviet authoritarianism, the Court roared:

> If the First Amendment means anything, it means that a State has no business telling a man, sitting alone in his house, what books he may read or what films he may watch. Our whole constitutional heritage rebels at the thought of giving government the power to control men's minds.

The absurdity of the Court's position is multifold. State and local morals statutes are older than the American republic. Like them or not, blue laws and the like *are* part of America's political heritage. And are we to believe that all the Americans who had lived under morals laws were the victims of mind control? Additionally, to lump porn in with literature and political tracts is sophistry: Banning the *Federalist Papers* is hardly the same as forbidding the possession of blue movies.

The average reader might feel outrage at such legislating from the bench. Tsai, though, is untroubled. Not only is this the way the Court does its work, Tsai thinks that this is the way the Court *should* do its work. He makes an anthropological argument for a creative, activist Court.

> Legal rights do not naturally occur; they are a creation of society to identify, particularize, and perpetuate interests deemed valuable to political self-understanding. In the absence of a culture of respect for such rights, they are worth no more than the paper they are printed upon.

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As Tsai sees it, the Supreme Court fosters America's political culture and commitment to liberty by intervening in contentious social matters and issuing metaphor-loaded decisions that explicate the tenets of our civil religion.

> As a product of political culture, metaphor can be understood as an element of democratic design writ small, a method of presenting a community's governing precepts so as to maximize popular consumption. To the extent its vividness stimulates reflection, such a composition facilitates the internalization of foundational principles and guards against erosion of the political order from within.

Hence, the Court renews our faith in America by prodding us to think about the meaning of the Constitution and how to live under it.

Tsai's argument is smart, but it has at least a few problems. First, there is the matter of competence. He presents no evidence to persuade the reader that the Supreme Court is well qualified to take the national pulse, let alone devise solutions to complex problems of governance. May a town prosecute parents who deny their children medical care because they believe in faith healing? All Tsai offers is that jurists bring "expertise, knowledge, and a historically situated perspective in determining how to synthesize governing traditions and which discursive trends to validate."

Second, his argument is predicated on the assumption that the public needs its belief in liberty renewed through provocations by the Supreme Court. Does it? Let us not forget: The Court considered very few cases involving the Bill of Rights before the 20th century. Yet there is scant evidence to suggest that our forebears did not "get" liberty. They were socialized through other means.

Third, Tsai states that his "principal aim" is to "present a general theory to explain how the words in the Constitution ratified by a distant generation become culturally salient ideas, inscribed in the habits and outlooks of ordinary Americans." But he little discusses the 14th Amendment, the main vehicle through which the Court has thrust itself into First Amendment and civil liberty controversies.

The Bill of Rights was designed to apply to the federal government alone, and Chief Justice John Marshall was succinct on this point: "These amendments contain no expression indicating an intention to apply them to the state governments. This court cannot so apply them" (*Barron* v. *Baltimore*, 1833). But 80 years ago the Court began demolishing that aspect of federalism by redefining the 14th Amendment's due process clause, which forbids states from depriving "any person of life, liberty, or property, without due process of law." In audacious opinions thick with metaphors and political theorizing, it explained that the words "due process" were synonymous with the First Amendment and most of the rest of the Bill of Rights. Any treatment of the creation of a national First Amendment culture needs some coverage of this development.

Oliver Wendell Holmes, 1931

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Tsai contends that an activist Court's use of metaphors fosters civil society. But as Tsai well knows but little discusses, metaphors can also have corrosive effects. When the Court conjured up a "wall of separation between church and state" from the First Amendment's establishment clause (*Everson* v. *Board of Education*, 1947), it took a squabble in New Jersey and nationalized it. The country became embroiled in divisive religious debates: May a crèche be erected in front of city hall? Should the Constitution be amended to permit prayer in public schools? Sixty years have passed, and the bitter disputes continue. Lawyers are enriched by this; are We, the People?

Last, there is the matter of reverence for the Supreme Court. The public respects the Court and its decisions because it believes justices are smart, apolitical, impartial experts who do their darnedest to apply the law, not make it. True or not, this perception is an integral part of our belief in our system of government.

This makes the Court's activism and profligate use of metaphors problematic. Inevitably, as Tsai shows, metaphors fail. Speech may be like fire, but it is not fire; it is speech. When people have wised up to this, the Court has concocted a new metaphor and eased an old one from the scene. And as it has repeated this rhetorical switcheroo, the Court's decisions have grown increasingly estranged from the plain language of the First Amendment and the Constitution generally. The word "speech" no longer means talking; it now includes actions, such as burning the American flag and peddling pornography via the Internet. Taking all this in, the average American might well wonder if the justices are making things up as they go.

Tsai has written a fine book, but I cannot help but think that the late Justice Stanley Reed got it right in his dissent in *McCollum* v. *Board of Education* (1948): "A rule of law should not be drawn from a figure of speech." ♦

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B&A

Wacky Wiki

The 'people's encyclopedia' strives to be doofus-free.

BY JOSEPH PHELAN

In heartrending news for fans of half-baked information everywhere, the top guns at Wikipedia have announced that they will no longer allow the Great Unwashed to go online and add or delete material from Wikipedia entries. From now on, any changes will have to be approved by an editorial review board. And so, the great experiment with a rambunctious, grassroots, spontaneous, online, interactive, thoroughly unreliable encyclopedia has come to an end.

The mature, sophisticated approach being taken by Wikipedia is particularly distressing for *aficionados* of amateurishness. Since its inception eight years ago, Wikipedia's great strength was that it was a "people's encyclopedia," where in theory anyone could alter an entry if they thought it needed modification, amplification, or excision. This meant that the official verdict on people and events was no longer in the hands of evenhanded, dispassionate professionals but in the hands of plain folks who actually had strong feelings about the subject.

It also meant that no one had to take Wikipedia seriously, because so many of the contributors were doofuses.

As collegiate plagiarists learned to their distress, Wikipedia entries varied in quality and objectivity. Dates, numbers, and spellings were sometimes wrong. Baseball players who made their name with the Chicago White Sox were sometimes listed as Cleveland Indians. And critical judgments about celebrities were often deliberately suppressed. That's because the entries tended to be written by contributors who did not have the proper emotional distance from their subjects—and sometimes by the subjects themselves. As a result, unflattering opinions were often ignored or quickly removed from the site.

Wikipedia's new policy is devastating news to those of us who revel in the anonymous malice of our fellow Internet users. Frankly, I used to love it when I gave a book a bad review and the victim got his mommy to go online and report that I was evil incarnate. This was exhilarating, not only because it let me know that I had drawn blood, but because it was flattering that there was somebody out there who would take time out of his busy life to update my Wikipedia entry. Even if it was only to say that I was the scum of the earth.

Once somebody wrote that I was a "schoolyard bully" and "a self-described hatchet-man" whose last book didn't sell because of "poor writing." Shortly afterward, at a *pro bono* speaking engagement, the toastmaster, culling this material from Wikipedia, introduced me as a self-described hatchet man and schoolyard bully. Then he asked the audience to put their hands together and give it up for me. A good time was had by all.

The only thing that ever upset me was Wikipedia's insistence that I lived in Sleepy Hollow, New York. No, that was Ichabod Crane. I would rather have my pancreas gnawed on by meningitis-plagued ferrets than live in a town with a name like Sleepy Hollow. At least once a year I write an article somewhere ridiculing the name "Sleepy Hollow." Occasionally, my son would go online and change "Sleepy Hollow" to the accurate, and immensely less fey, "Tarrytown." But he would also insert something puckish, such as a note that I had fought on Xerxes' side at Thermopylae, or that I had played some role in the destruction of the Death Star. These entries would remain online for an hour or so, then be deleted. But so would the data that I live in Tarrytown.

Seemingly, someone out there was monitoring my entry, ensuring that it continued to contain the personally offensive information that I lived in a twee, absurd locality called Sleepy Hollow.

Those in the know had long been aware that things were not going smoothly in the World of Wiki. Some time ago, the top guns made it impossible to vandalize sites dealing with subjects like the Holocaust or Britney Spears. Stephen Colbert got banned from the site when he added all sorts of ridiculous material to his entry and encouraged TV viewers to do likewise. (This factoid is not included in his Wikipedia entry.) One famous incident involved a fabricated quote planted in the composer Maurice Jarre's biography—which was then dutifully included in numerous obituaries after he died in March. This made reporters look stupid, quite a change from the norm.

The most embarrassing scandal was when John Seigenthaler, a friend of the Kennedy family and former official in the Kennedy Justice Department, found that his Wikipedia biography linked him to the assassinations of John and Bobby Kennedy. Admittedly, this was deeply unfair to Seigenthaler; but it was not as if things like this occurred every day. And to many of us, a bit of factual inaccuracy and occasional character defamation seemed like a small price to pay for a few rousing chuckles.

Now, those days are past. The era when a thousand—nay, a million—half-truths bloomed, is over. The days when college kids could hand in papers on Japanese history containing Wikipedia data lifted from James Clavell's *Shogun* are gone. The days of the Citizen Eulogist, the Obituarist in the Street, are over for good.

This is a tragedy. As long as Wikipedia entries were routinely altered by bozos, neo-Nazis, and Stephen Colbert, Wikipedia had no claim to legitimacy. But with the new policy, the encyclopedia for the masses can now purport to be professional, authoritative, and scrupulously fair, the sort of wise, mature, responsible entity grown-ups would produce. ♦

Joseph Phelan is the editor of Artcyclopedia.com.

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Girl Gone Wild

Put a handsome face on the saddest of tales.

BY JOHN PODHORETZ

The British film *An Education* is receiving ecstatic notices for its evocation of the relationship between an intellectually precocious 16-year-old girl in early 1960s London and a sweet but shady fellow who looks to be 20 years her senior. It is a lively and infectious movie with a vivid central performance by a young actress named Carey Mulligan, who dominates the screen in a fashion that has drawn comparisons between this debut and Audrey Hepburn's in *Roman Holiday* more than a half-century ago.

An Education
Directed by Lone Scherfig

But there's something crucially wrong with *An Education*. The inappropriate relationship at the heart of the movie doesn't really make sense. Mulligan's poised star turn, the sprightly look provided by director Lone Scherfig, and the movie's intelligent screenplay (by the novelist Nick Hornby) offer many distractions from this central flaw, but in the end, it overwhelms them.

Jenny, the protagonist, seems alternately too savvy and too naïve to be such easy prey for an older predator. And the predator, played by the American actor Peter Sarsgaard with a strained English accent, seems far too kindly and beneficent—and far too good-looking—to be either a repugnant seducer or a sly crook. By the end, the events we've witnessed don't seem to have had much effect on Jenny's life, either for good or ill. You don't really know why you've watched what you've watched, or why you should care.

John Podhoretz, editor of Commentary, *is* The Weekly Standard*'s movie critic.*

It turns out the film is based on the memoir of an infamously snippy British newspaperwoman named Lynn Barber. An excerpt from the memoir appeared in the *Guardian* over the summer, and the discrepancies between Barber's account of her teenage affair and the movie's portrayal of it expose the essential fraudulence of *An Education*, and the reason it seems to crumble in front of you while you are watching it.

In Barber's account, her seducer was not a handsome movie star but a "rather short, rather ugly, long-faced, splay-footed man who talked in different accents and lied about his age." He said he was 27 but was actually in his late thirties. His name was Simon Goldman. (It's David in the movie, and the prettification of the first name is suggestive of the larger failure in the characterization.) He showered her with gifts and affection, but she never really liked him or was interested in him.

"My role in the relationship was to be the schoolgirl ice maiden, implacable, ungrateful, unresponsive to everything he said or did," Barber writes. "To ask questions would have shown that I was interested in him, even that I cared, and neither of us really wanted that."

Their physical relationship was desultory; Simon had no aggression in him, and accepted every excuse she proffered to avoid intimacy. She tried to break it off several times out of boredom, but he wouldn't desist. Finally, he proposed marriage, and it was the proposal, and her acceptance of it, that led to the unraveling of their relationship.

Many details from Barber's account are present in the movie, including creepy details like Simon's predilection for baby talk and some casual thievery in which he engages. But Sarsgaard's sweet manner and his smashing looks make these moments seem more quirky than disturbing. What is entirely absent from the movie is any sense of one role that Lynn/Jenny plays in the relationship aside from being the recipient of Simon/David's largesse. Barber's cold-eyed description of her teenage self as a "schoolgirl ice maiden" bears no relation whatsoever to Mulligan's adorably fizzy and admirably tough-minded Jenny.

If Jenny gets "an education," as the title promises, it is that there are no shortcuts around hard work and dedication to schooling. That was not the education Barber describes receiving. She says that her "experience with Simon entirely cured my craving for sophistication. By the time I got to Oxford, I wanted nothing more than to meet kind, decent, straightforward boys my own age. . . . I would marry one eventually and stay married all my life and for that, I suppose, I have Simon to thank."

But her involvement with a shady con man damaged her in terrible ways, Barber writes: "I learned not to trust people; I learned not to believe what they say but to watch what they do. . . . Learning all this was a good basis for my subsequent career as an interviewer, but not, I think, for life. It made me too wary, too cautious, too ungiving."

The true story behind *An Education* is not a tragedy, but it is sad. Barber wrote her rueful words at the age of 65. The movie suggests that she emerged from the experience maybe a little sadder, certainly a little wiser, and with her vivacity intact. That is not what happened to Barber, by her own account, and by going with a happy-survivor version of the truth, the movie seeks to deceive its audience. But enough remains of the real tale of Barber's education that you can tell, as the credits roll, that you've just been told a lie. ♦

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"Clark County Commission Chairman Rory Reid's (D) long-awaited announcement today that he would run for governor of Nevada in 2010 means that he and his father—Senate Majority Leader Harry Reid (D)—will be on the same ballot next November."

—washingtonpost.com, *October 14, 2009*

Parody

Do Reid Races Spell Doom for Republic?

Critics Fear Father-Son 'Intergalactic Rule'

By Chris Cillizza
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LAS VEGAS — Senate Majority Leader Harry Reid (D-Nev.) insists the email he sent to his son, Clark County Commission Chairman Rory Reid, was meant as harmless, unsolicited advice. "I merely suggested that it's his destiny," said the elder Reid, "and that with me as senior senator and him as governor, we could restore order to the state of Nevada."

But opponents of both candidates, after reading the same memo, were disturbed by some of the language. "'Order' sounds all well and good," said Republican contender Sue Lowden. "But how does [Senator Reid] explain the line, 'together we can rule the galaxy as father and son'?" Another potential Republican adversary, Danny Tarkanian, warned that if both Reids were sworn into office, their power would be unstoppable. "No planetary system would be safe," said Tarkanian, before suddenly getting choked up. The real estate developer later apologized for referring to the elder Reid's faith as an "ancient religion."

Meanwhile, Oscar Goodman, the mayor of Las Vegas who is contemplating a run for governor as an independent, warned voters not to fall for Rory Reid's mind tricks. "Chairman Reid has a way of getting you to do what he wants and making you think it was your idea. He can be very persuasive." Goodman faces his own hurdles, however, such as allegations of ties to organized crime and even bounty hunters. He is currently suing a former staffer who claims the mayor has on several occasions disposed of enemies in a large pit somewhere in the Las Vegas desert.

Mike Matus / Worldwide Photos

"If you only knew the power." Sen. Reid dons his majority-leader robes.

Not long ago, Rory Reid tried to convince his father to retire from politics, describing Washington, D.C., as a "wretched hive of scum and villainy." But Senator Reid refused his entreaties, telling him, "It's too late for me

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